

Engraved by W. Skelton.

Daniel De Foe.

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THE

HISTORY

OF THE

UNION

BETWEEN

England and Scotland,

WITH

A COLLECTION OF ORIGINAL PAPERS RELATING THERETO.

By DANIEL DE FOE.

AND

AN INTRODUCTION,

IN WHICH THE CONSEQUENCES AND PROBABILITY OF A LIKE UNION BETWEEN THIS COUNTRY AND IRELAND ARE CONSIDERED.

By JOHN LEWIS DE LOLME, ADV.

To which is prefixed,

A LIFE OF DANIEL DE FOE,

By GEORGE CHALMERS, F.R.S. S.A.

LONDON:

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1786.

G.R. III.
BRITISH MUSEUM

THE
LIFE of DeFOE.

IT is lamented by thoſe who labour the fields of Britiſh biography, that after being entangled in briars they are too often rewarded with the ſcanty products of barrenneſs. The lives of literary men are generally paſſed in the obſcurities of the cloſet, which conceal even from friendly inquiries the artifices of ſtudy, whereby each may have riſen to eminence. And during the ſame moment that the diligent biographer ſets out to aſk for information, with regard to the modes of life, or peculiarity of character belonging to writers who have amuſed, or inſtructed their country, the houſe-keeper, the daughter, or grand-child, that knew family traditions, drop into the grave.

Theſe reflections naturally aroſe from my inquiries into the life of the Author of THE HISTORY OF THE UNION OF GREAT BRITAIN. Whether he was born on the neighbouring continent, or in this iſland, in London, or the country, is equally uncertain. And whether his name was Foy, or De Foe, is ſomewhat doubtful. Like Swift, he had perhaps reaſons for concealing what would have added little to his conſequence. And, as of Butler, nothing more can be certainly told in this reſpect, than that, in whatever opulence he may have lived, he left little behind him.

If however we may credit the Gazette, Daniel Foe, or De Foe, as he is ſaid by his enemies to have called himſelf, that he might not be thought an Engliſhman, was born in London *, about the year 1663. His family were probably diſſenters†, among whom he received no unlettered education; at leaſt it is plain,

* It is at length diſcovered, by ſearching *The Chamberlain's* books, that our Author was the ſon of James Foe, of the pariſh of Cripplegate, London, Citizen and Butcher; who was himſelf the ſon of Daniel Foe, of Elton, in the county of Northampton, Yeoman. Daniel Foe, the ſon of James, who obtained his freedom by ſerving his apprenticeſhip with John Levit, Citizen and Butcher, was admitted to *his Freedom* by *birth*, on the 26th of January, 1687-8.

† In his Preface to "*More Reformation*," De Foe complains, That ſome diſſenters had reproached him, as if he had ſaid, "that the gallows and the gallies ought to be the penalty of going to the conventicle; forgetting, that I muſt deſign *to have my father, my wife, ſix innocent children, and myſelf*, put into the ſame condition." To ſuch diſſenters, I can only regret, ſays he, "That when I had drawn the picture, I did not, like the Dutchman with his man and bear, write under them, —*This is the man; and this is the bear.*" De Foe expreſsly admits, that he WAS A DISSENTER, though no *independent, fifth monarchy man*, or *leveller*. [De F. Works, edit. 1703. p. 326—448.]

from his various writings, that he was a zealous defender of their principles, and a ſtrenuous ſupporter of their politics, before the liberality of our rulers in church and ſtate had freed this conduct from danger. He merits the praiſe due to ſincerity in his manner of thinking, as well as to uniformity in his habits of acting, whatever obloquy may have been caſt on his name, by attributing writings to him, which he was ſtudious to diſavow.

Wherever our Author was educated, he wrote, when he was not yet twenty, a pamphlet in 1683, againſt a very prevailing ſentiment in favour of the Turks, but in oppoſition to the Houſe of Auſtria: and before he was three-and-twenty he appeared in arms for the Duke of Monmouth. Of this exploit he boaſts in his latter years, when it was no longer dangerous to avow his participation in this imprudent enterpriſe, with greater men of ſimilar principles.

Having eſcaped from the dangers of battle, and from the fangs of Jefferies, he found ſecurity in the more gainful purſuits of peace. Yet, he was prompted by his zeal to mingle in the controverſies of the reign of James II. whom he boldly oppoſed, by warning the diſſenters of the ſecret danger of the inſidious toleration, which was offered by that monarch's bigotry.

When our Author republiſhed his writings, he did not think proper to preſerve his tract againſt the Turks any more than his pamphlet againſt the King.

From 1685 to 1695, he acted as a hoſe factor in Freeman's Yard, Cornhill: but the hoſier and the poet are very irreconcileable characters. With the uſual imprudence of ſuperior genius, he was carried by his vivacity into companies, who were gratified by his wit. He ſpent thoſe hours in the hilarity of the tavern, which he ought to have employed in the calculations of the counting-houſe: and being obliged to abſcond from his creditors, in 1694, he attributed thoſe misfortunes to the war, which were doubtleſs owing to his own miſconduct. He afterwards carried on the brick and pan-tile works near Tilbury Fort; though probably with no ſucceſs. He was in after-times wittily reproached, *that he did not, like the Egyptians, require bricks without ſtraw, but, like the Jews, required bricks without paying his labourers.* He was born for other enterprizes, which, if they did not gain him wealth, have conferred a renown, that will deſcend the current of time with the language wherein his works are written.

While he was yet under thirty, and had mortified no great man by his ſatire, or offended any party by his pamphlets, he had acquired friends by his powers of pleaſing, who did not, with the uſual inſtability of friendſhips, deſert him amidſt his diſtreſſes. They offered to ſettle him as a factor at Cadiz, where he had had ſome previous correſpondence. In this ſituation he might have procured buſineſs by his attention, and accumulated wealth without a riſque: but, as he aſſures us in his old-age, *Providence, which had other work for him to do, placed a ſecret averſion in his mind to quitting England.* He had confidence

enough

enough in his own talents to think, that on this field he could gather laurels, or at leaſt gain a livelihood.

In a *projecting age*, as our Author denominates the reign of King William, he was himſelf a projector. While he was yet young, De Foe was prompted by a vigorous mind to think of many ſchemes, and to offer what was moſt pleaſing to the ruling powers, *ways and means* for carrying on the war. He wrote, as he ſays, *many ſheets about the coin*; he propoſed a regiſter for ſeamen, *long before the act of Parliament was thought of*; he projected *county banks* and *factories for goods*; he mentioned a *propoſal for a commiſſion of inquiries into bankrupts eſtates*; he contrived a *penſion office for the relief of the poor*. It is always curious to trace a thought, in order to ſee where it firſt originated, and how it was afterwards expanded. *Projectors*, ſays our Author, *are to be generally taken with an allowance of one half at leaſt*. However his propoſals were taken, certain it is, that when he ceaſed to be a *boſier*, he was, without ſolicitation, appointed *accountant* to the commiſſioners for managing the duties on glaſs.

It is an obſervation of experience, how impoſſible it is to propoſe a tax that has not been offered before. In the preſent moment, one of the *ways and means* of De Foe is ſurely remarkable:—"Land and trade"*, ſays he, "have been handled roughly enough. *The retailers* are the men who ſeem to call on us to be taxed; if not by their own extraordinary good circumſtances, though that might bear it, yet, by the contrary in all other degrees in the kingdom. Beſides, the retailers are the men, who could pay it with leaſt damage; becauſe it is in their power to levy it again upon their cuſtomers in the prices of their goods; and is no more than paying a higher rent for their ſhops." Thus, as a place-man, thought our Author. It was reſerved for the iron age of finance to ſee his propoſal adopted, after various attempts and rejections, by a neceſſity, which, when real, juſtifies the meaſure that cannot be avoided.

From projects of *ways and means*, De Foe's ardour ſoon carried him into the thorny ways of ſatiric poetry; and his muſe produced, in 1701, *The True-born Engliſhman*. Of the origin of this ſatire, which was the future cauſe of ſome good fortune, but of many diſaſters, he gives himſelf the following account:—"During this time came out an abhorred pamphlet, in very ill verſe, written by one Mr. Tutchen, and called *The Foreigners*: in which the Author, who he was I then knew not, fell perſonally upon the King, then upon the Dutch nation, and, after having reproached his Majeſty with crimes that his worſt enemies could not think of without horror, he ſums up all in the odious name of FOREIGNER. This filled me with a kind of rage againſt the book, and gave birth to a trifle, which I never could hope ſhould have met with ſo general an acceptation." The ſale was prodigious, and probably unexampled; as Sacheverel's Trial had not yet appeared. He who is curious to ſee a ſpe-

* Eſſay on Projects, in 1702, which had been written ſeveral years before.

cimen of a ſatire, which then ſo much attracted the attention of the Engliſh world, may be gratified by the following paſſage, wherein he endeavours thus to account for—

" What makes this diſcontented land appear
Leſs happy now in times of peace, than war;
Why civil feuds diſturb the nation more,
Than all our bloody wars had done before:
Fools out of favour grudge at knaves in place,
And men are always honeſt in diſgrace:
The court preferments make men knaves in courſe,
But they, who would be in them, would be worſe.
'Tis not at foreigners that we repine,
Would foreigners their perquiſites reſign:
The grand contention's plainly to be ſeen,
To get ſome men put out, and ſome put in."

Our Author's moral is, however, ſomething better;—

" Then let us boaſt of anceſtors no more,
Or deeds of heroes done in days of yore:
For fame of families is all a cheat,
'Tis perſonal virtue only makes us great."

For this defence of King William and the Dutch, De Foe was amply rewarded. " How this poem was the occaſion," ſays he, " of my being known to his Majeſty; how I was afterwards received by him; how employed; and how, above my capacity of deſerving, rewarded, is no part of the preſent caſe." Of the particulars, which the Author thus declined to tell, nothing now can be told. It is only certain, that for the royal favours De Foe was always grateful.

When " the pen and ink war was raiſed againſt a ſtanding army," ſubſequent to the peace of Ryſwick, our Author publiſhed AN ARGUMENT to prove that a ſtanding army, with conſent of Parliament, is not inconſiſtent with a free government. " Liberty and property," ſays he, " are the glorious attributes of the Engliſh nation; and the dearer they are to us, the leſs danger we are in of loſing them: but I could never yet ſee it proved, that the danger of loſing them by a ſmall army was ſuch, as we ſhould expoſe ourſelves to all the world for it. Some people talk ſo big of our ſtrength, that they think England able to defend itſelf againſt all the world. How theſe gentlemen will do that with our militia, I ſhould be glad to ſee propoſed. It is not the King of England alone, but the ſword of England in the hand of the King, that gives laws of peace and war now to Europe: and thoſe who would thus wreſt the ſword out of

of his hand in time of peace, bid the faireſt of all men in the world to renew the war." Our Author brings the queſtion to a narrow compaſs: "Firſt, I diſtinguiſh between a great army and a ſmall army: ſecondly, I diſtinguiſh between an army kept on foot without the conſent of Parliament, and an army with conſent of Parliament." He, who is deſirous of reading this treatiſe on an intereſting topic, will meet with great ſtrength of argument, conveyed in very elegant language.

When the nation flamed with faction, and the men of Kent deſired *The Commons* "to mind the public more, and their private heats leſs, De Foe publiſhed, in 1701, *The Original Power of the collective Body of the People of England examined and aſſerted.* This timeful treatiſe he dedicated to King William, in a dignified ſtrain of nervous eloquence. "It is not the leaſt of the extraordinaries of your Majeſty's character," ſays he, "that, as you are King of your people, ſo you are the people's King. This title, as it is the moſt glorious, ſo is it the moſt indiſputable in the world." To the Lords and Commons he addreſſes himſelf in a ſimilar tone: The vindication of the original right of all men to the government of themſelves, he tells them, is ſo far from being a derogation from, that it is a confirmation of your legal authority. And he concludes by declaring his intention is neither for, nor againſt either perſon or party: "As there is but one intereſt in the nation," ſays he, "I wiſh there were but one party, and that party would adhere to unbiaſſed juſtice, and purſue the honour and intereſt of England." Every lover of liberty muſt be pleaſed with the peruſal of a treatiſe, which vies with Mr. Locke's famous tract in powers of reaſoning, and is ſuperior to it in ſuavity of ſtyle.

At a time when "union and charity, the one relating to our civil, and the other to our religious concerns, were ſtrangers in the land," De Foe publiſhed, in 1701, *The Freeholders Plea againſt Stockjobbing Elections of Parliament Men.* This is certainly a very perſuaſive performance, though, doubtleſs, many voters were then influenced by arguments ſtill more perſuaſive. "It is very rational to ſuppoſe," ſays our Author, "*that they who will buy will ſell*; or, what ſeems more rational, *they who have bought muſt ſell.* For this ſeems to be a plain conſequence, That he who makes uſe of any clandeſtine method to *get into the Houſe of Commons, muſt have ſome clandeſtine deſigns to carry on when he is there.*" After all, he concludes, that whoever foment the diviſions of the nation, put their hands to the nation's ruin: and he therefore recommends it to every honeſt Engliſh man to ſtudy peace, and to purſue it by all proper methods, as nothing can make us formidable to our neighbours, and maintain the reputation of our nation, but union among ourſelves.

How much ſoever King William may have been pleaſed with *The True-born Engliſhman*, he was moſt probably little gratified by our Author's *Reaſons againſt a War with France.* This argument, *ſhewing that the French King's owning the*

the Prince of Wales as King of England is no ſufficient ground of a war, is one of the fineſt, becauſe it is one of the moſt uſeful, tracts in the Engliſh language. After remarking *the univerſal cry of the people for war*, our Author declares he is not againſt war with France, provided it be on juſtifiable grounds; but, he hopes, England will never be ſo inconſiderable a nation, as to make uſe of diſhoneſt pretences to bring to paſs any of her deſigns: and he wiſhes, that he, who deſires we ſhould *end the war honourably*, ought to deſire alſo, that we *begin it fairly*. — "Natural antipathies", continues he, "are no juſt grounds of a war between nations: nor popular opinions. Nor is every invaſion of right a good reaſon for a war; at leaſt till redreſs has been demanded in a peaceable way. If a war be neceſſary, it is juſt; and if ſo, why ſhould we be afraid of it. If it be not ſo, we ought not to make conſtructive breaches, and perſonal affronts, the pretence of it. The French are not ſo inconſiderable in power, that we ſhould be fond of a war without reaſon; nor we ſo inconſiderable, as we need be afraid of an honourable war. A war, which muſt coſt the blood of our countrymen, and the treaſure of the inhabitants, is not a thing of ſo little conſequence, as may be undertaken upon ſlight occaſions; nor yet of ſo great conſequence, that we ſhould be afraid to enter upon it with juſt reaſons. But if we muſt have a war", our Author hoped, "it might be wholly on the defenſive in Flanders, in order to carry on hoſtilities in remote places, where the damage may be greater, by wounding the Spaniard in ſome weaker and more ſenſible part; ſo as upon a peace he ſhall be glad to quit Flanders for an equivalent". Who at preſent does not wiſh, that De Foe's able argument had been more ſtudiouſly read, and more efficaciouſly admitted.

A ſcene of ſorrow ſoon after opened, which probably embittered our Author's future life. The death of King William deprived him of a protector, who, as he flattered himſelf amidſt his later diſtreſſes, would never have ſuffered him to be treated as he had been in the world. Of that monarch's memory, he ſays, that he never patiently heard it abuſed, nor ever could do ſo: and in this gratitude to a royal benefactor there is ſurely much to praiſe and nothing to blame.

In the midſt of that furious conteſt of party, civil and religious, which enſued on the acceſſion of Queen Anne, our Author was no unconcerned ſpectator. He republiſhed his *Enquiry into the Occaſional Conformity of Diſſenters*, which had been publiſhed without effect three years before. He reprobates, with the unforbearance of the times, "this faſt and looſe game of religion;" for which he had never met with any conſiderable excuſe but this, "that this is no conformity in point of religion, but done as a civil action." He ſoon after publiſhed another *Enquiry*, in order to ſhew, *that the diſſenters are no ways concerned in occaſional conformity*. The controverſy, which in thoſe days occaſioned ſuch vehement conteſts between the two Houſes of Parliament, is probably ſilenced for ever; but De Foe opens this tract with a ſentiment which ought never to be forgotten:

"He,

"He, that oppoſes his own judgment againſt the current of the times, ought to be backed with unanſwerable truths; and he, that has that truth on his ſide, is a fool, as well as a coward, if he is afraid to own it, becauſe of the multitude of other men's opinions. 'Tis hard for a man to ſay, all the world is miſtaken but himſelf; but if it be ſo, who can help it?"

"During the firſt fury of high-flying," ſays he, "I fell a ſacrifice for writing againſt the madneſs of that high party and in the ſervice of the diſſenters." He alludes here to *The ſhorteſt Way with the Diſſenters*; which he publiſhed towards the end of the year 1702; and which is a piece of exquiſite irony, though there are certainly paſſages in it, that might have ſhewn conſiderate men, how much the Author had been in jeſt. He complains how hard it was, *that this ſhould not have been perceived by all the town, and that not one man can ſee it, either churchman or diſſenter.* This is one of the ſtrongeſt proofs, how much the minds of men were inflamed againſt each other, and how little the virtues of mutual forbearance and perſonal kindneſs exiſted amid the clamour of contradiction, which then ſhook the kingdom, and gave riſe to ſome of the moſt remarkable events in our annals.

During the previous twenty years of his life, De Foe had buſied himſelf unconſciouſly in charging a mine, which now blew himſelf and family into air. He had fought for Monmouth; he had oppoſed King James; he had vindicated *The Revolution*; he had panegyrized King William; he had defended the rights of the collective body of the people; he had diſpleaſed *the Treaſurer* and *the General*, by objecting to the Flanders war; he had bantered Sir Edward Seymour and Sir Chriſtopher Muſgrave, the Tory-leaders of the Commons; he had juſt ridiculed all the high-flyers in the kingdom: and he was obliged to ſeek for ſhelter from the indignation of perſons and parties, thus overpowering and reſiſtleſs.

A proclamation was iſſued, in January, 1702-3 *, offering a reward of fifty pounds for diſcovering his retreat. He was deſcribed † by the Gazette—"as a middle-ſized ſpare man, about forty years old, of a brown complexion and dark-

* He who is deſirous of reading the proclamation, may be gratified by the following copy:

St. James's, Jan. 10, 1702-3.

Whereas Daniel De Foe, *alias* De Fooe, is charged with writing a ſcandalous and ſeditious pamphlet, entitled, "The ſhorteſt Way with the Diſſenters:" he is a middle-ſized ſpare man, about 40 years old, of a brown complexion, and dark-brown coloured hair, but wears a wig, a hooked noſe, a ſharp chin, grey eyes, and a large mold near his mouth, was born in London, and for many years was a hoſe-factor, in Freeman's-yard, in Cornhill, and now is owner of the brick and pantile works near Tilbury Fort, in Eſſex: whoever ſhall diſcover the ſaid Daniel De Foe, to one of her Majeſty's Principal Secretaries of State, or any of her Majeſty's Juſtices of Peace, ſo as he may be apprehended, ſhall have a reward of £.50, which her Majeſty has ordered immediately to be paid upon ſuch diſcovery. Lond. Gaz. No. 3879.

† We may preſume, that when the picture of De Foe was drawn, from which the print annexed to THIS WORK was engraved, he had grown with years bulkier in his perſon, and fuller in the face-

brown

brown hair, though he wears a wig, having a hook noſe, a ſharp chin, grey eyes, and a large mole near his mouth."

He ſoon publiſhed *An Explanation*; though he "wonders to find there ſhould be any occaſion for it." "But ſince ignorance," ſays he, "has led moſt men to a cenſure of the book, and ſome people are like to come under the diſpleaſure of the Government for it; in juſtice to thoſe who are in danger to ſuffer by it; in ſubmiſſion to the Parliament and Council who may be offended at it; and courteſie to all miſtaken people, who, it ſeems, have not penetrated into the real deſign; the Author preſents the world with the genuine meaning of the paper, which he hopes may allay the anger of Government, or at leaſt ſatisfy the minds of ſuch as imagine a deſign to inflame and divide us:" and proteſting the honeſty of his purpoſe, he reſolved, if the people now in trouble might be excuſed, to throw himſelf upon the favour of Government, rather than others ſhould be ruined for his miſtakes. Neither his ſubmiſſiveneſs to the ruling powers, nor his generoſity with regard to his printers, was a ſufficient ſhield from the reſentment of his enemies. He was found guilty of a libel, ſentenced to the pillory, and adjudged to be fined and impriſoned.

When by theſe means, immured in *Newgate*, our author conſoled himſelf with the animating reflection, that having meant well he unjuſtly ſuffered. He had a mind too active to be idle in the ſolitude of a priſon, which is ſeldom invaded by viſitors. And he wrote a hymn to the pillory, that—

Hieroglyphick ſtate machin,
Contrived to puniſh fancy in.

In this ode the reader will find ſatire, pointed by his ſufferings, generous ſentiments, ariſing from his ſituation, and an unexpected flow of eaſy verſe. For example:

The firſt intent of laws
Was to correct the effect, and check the cauſe;
And all the ends of puniſhment
Were only future miſchiefs to prevent:
But juſtice is inverted, when
Thoſe engines of the law,
Inſtead of pinching vicious men,
Keep honeſt ones in awe;
Thy buſineſs is, as all men know,
To puniſh villains, not to make men ſo.

He employed this involuntary leiſure in correcting for the preſs a collection of his writings, which, *with ſeveral things he had no* hand in, had been already printed by a piratical printer. He thought it a moſt unaccountable boldneſs in him to print that particular book called *The ſhorteſt Way with the Diſſenters*, while he lay under the public reſentment for the ſame fact. "And though," con-

continued he, "the Government indeed may puniſh one criminal, and let another go free; yet, it ſeems a little hard, that I ſhould ſuffer for printing a book, and another print it in the face of the Government to get money by it." In this collection of 1703 there are one and twenty treatiſes in poetry and proſe, beginning with *The True-born Engliſhman*, and ending with *The Shorteſt Way to Peace and Union.*

While thus confined and thus occupied, our Author "made no reflections on the treatment he met with from the people he ſuffered for, or how he was abandoned, even in his ſufferings, at the ſame time that they acknowledged the ſervice it had been to their cauſe." With all his acuteneſs of underſtanding and knowledge of life, De Foe did not advert, that a party never protects the perſon, who does not go all lengths with party. Addiſon and Steele knew how to uſe this ſecret better.

While, as our Author tells, he lay friendleſs and diſtreſſed in the priſon of Newgate, his family ruined, and himſelf without hopes of deliverance, a meſſage was brought him from a perſon of honour, whom till that time he had not the leaſt knowledge of. This was no leſs a perſon than Sir Robert Harley, the Speaker of the Houſe of Commons, who was ſoon made Secretary of State, and who afterwards became Lord Treaſurer and Earl of Oxford. Harley approved probably of the principles and conduct of De Foe, and doubtleſs foreſaw, that, during a factious age, ſuch a genius could be converted to many uſes. And he ſent a verbal meſſage to the priſoner, deſiring *to know what he could do for him.* Our Author readily wrote the ſtory of the blind man in the Goſpel, concluding: *—Lord, that I may receive my ſight.*

When the *high-flyers* were driven from the eminence which enabled them to do miſchief rather than good, Harley became Secretary of State, in 1704. He had now frequent opportunities of repreſenting the unmerited ſufferings of De Foe, to *the Queen* and to *the Treaſurer.* Yet, our Author continued four months longer in gaol. The Queen, however, inquired into his circumſtances, and Lord Godolphin ſent, as he thankfully acknowledges, a conſiderable ſum to his wife and family, and to him money to pay his fine and the expence of his diſcharge. Here is the foundation, ſays he, on which he built his firſt ſenſe of duty to the Queen, and the indelible bond of gratitude to his *firſt benefactor.* Gratitude and fidelity are inſeparable from an honeſt man. "Let any one ſay then," he aſks, "what I could have done leſs, or more, than I have done for ſuch a Queen and ſuch a benefactor?" All this he manfully avowed to the world *, when Queen Anne lay lifeleſs and cold as King William, his firſt patron, and when Oxford, in the viciſſitude of party, had been perſecuted by faction, and overpowered, though not conquered, by violence.

* By his Appeal, in 1715.

To be relieved from gaol, muſt have been a circumſtance ſufficiently pleaſing: but, to be employed by ſuch miniſters, to be approved of, and rewarded, and employed again, while his old enemies the *high-flyers* were in diſgrace, muſt have been extremely flattering to a mind at once ardent and grateful. That he was engaged in ſeveral honourable, though ſecret ſervices, by the interpoſition of his firſt benefactor; that he was ſent *abroad*, and ran perſonal riſques equal to thoſe of a grenadier on the counterſcarp, he himſelf aſſures us: but of the buſineſs, which our Author did not think fit to explain, no knowledge can now be gained from the ſilence of the grave.

He found leiſure, however, to publiſh, in 1705, *A Second Volume of the Writings of the Author of the True-born Engliſhman.* The ſame reaſons which formerly induced him to *collect ſome looſe pieces*, held good, ſays he, for proceeding to a ſecond volume, "that if I do not, ſomebody elſe will do it for me." He laments the ſcandalous liberty of the preſs; whereby piratic printers deprive an author of the native product of his own thought, and the purity of his own ſtyle. It was in vain, he declared, to exclaim at the villainy of theſe practices, while no law is left to puniſh them. The preſs, ſaid he, is in a ſtreight between two miſchiefs: 1ſt. The tyranny of a licenſer, which has been in all ages a method, ſo ill, ſo arbitrary, and ſo ſubjected to bribery and parties, that it amounts to ſhutting up the preſs to one ſide, and opening it to the other; 2dly, The unbridled liberty of invading each other's property; which is the evil the preſs now cries for help in. As a remedy for all theſe, our Author propoſed, 1ſt. That every author ſet his name to what he writes, or that every printer or publiſher be deemed the author; 2dly, That no man ſhall print another man's copy; or, *in Engliſh*, that no printer or bookſeller *ſhall rob another man's houſe.*

It is ſaid, though perhaps without ſufficient authority, that the vigorous remonſtrances of De Foe procured *The * Act for the encouragement of learning, by veſting the copies of printed books in the authors or their aſſigns.* The vanity of an Adminiſtration, which affected to patronize the learned, concurring with the mutual intereſt of authors and bookſellers, produced at length this ſalutary law, that our Author alone had called for without ſucceſs.

De Foe's writings, thus collected into volumes, were ſoon a third time printed, with the addition of *a key.* The ſatire being now pointed by the ſpecification of characters, and obſcurities being illuminated by the annexation of circumſtances, a numerous claſs of readers were induced, by their zeal of party, or deſire of ſcandal, to look for gratification from our Author's tracts. He is ſtudious to complain, *That his writings had been moſt neglected of them, who at the ſame time have owned them uſeful.* The ſecond volume of 1705 begins with *A new Diſcovery of an old Intrigue*, and ends with *Royal Religion.*

* 9 An. ch. 19.

This

This writer's fruitfulneſs produced, in 1706, *Jure Divino*, which had been, during ſome time, delayed, *for fear*, as he declares, of *parliamentary cenſure*. Of this poem it cannot be ſaid, as of Thomſon's *Liberty*, that *it was written to prove what no man ever denied*. This ſatire, ſays the preface, had never been publiſhed, though ſome of it has been a long time in being, had not the world ſeemed to be going mad a ſecond time with the *error* of *paſſive obedience*, and *non-reſiſtance*. He believes himſelf *in no danger of being thought a Jacobite*, whatever he was afterwards. He is rather apprehenſive, that his *low-flying* ſhould appear as if it carried him too near the quagmire of republicaniſm. And becauſe ſome men require, ſays he, more explicit anſwers, I declare my belief, that a monarchy, according to the preſent conſtitution, limited by Parliament, and *dependent upon law*, is not only the beſt government in the world, but alſo the beſt for this nation in particular, moſt ſuitable to the *genius of the people*, and the *circumſtances of the whole body*: A *commonwealth* can never ſuit a nation where there is *ſo illuſtrious a nobility* and *ſo numerous a gentry*; whoſe emulations, factions, and parties, are apt to be too turbulent for ſuch a government.

Dryden had given an example, a few years before, of argumentative poetry in his *Hind and Panther*; by which he endeavoured to defend the tenets of the Church of Rome. Our Author now reaſoned in rhyme, through *twelve books*, in defence of *every man's birth-right by nature*, when all ſorts of liberty were run down and oppoſed. His purpoſe is doubtleſs honeſter than Dryden's; and his argument, being in ſupport of *the better cauſe*, is perhaps ſuperior in ſtrength: but in *The Jure Divino* we look in vain for

The varying verſe, the full-reſounding line,
The long majeſtic march, and energy divine.

As an example, read what he ſays of the foundation of authority:

Society to regulation tends,
As naturally as means purſue their ends.
The wit of man could never yet invent
A way of life without a government:
Subordination is the ſoul of law,
And rules of life to rules of living will draw.
What need had power to preſcribe the man,
Let him go on without it if he can.

In the publication of this poem, he was obliged to conſider circumſtances, as there are ſome truths which do not ſuit all times. He ſuppreſſed a ſecond volume on the ſame ſubject, of which he declares, in the language of the Apoſtle in another caſe, *I have many things to ſay; but you cannot bear them now.*

now. He who reads the *Jure Divino*, will probably think, that the world ſuſtained no very conſiderable loſs by this previous ſuppreſſion. In the tranquil freedom of the preſent day, when compared with the factious turbulence of the reign of Anne, we are only aſtoniſhed, that an author ſhould have been fearful of popular odium, and even of parliamentary cenſure, when writing in defence of *every man's birth-right.*

Our Author was ſoon after engaged in more important, becauſe much more uſeful, buſineſs. Lord Godolphin ſent him to Scotland, on an errand which, as he ſays, was far from being unfit for a ſovereign to direct, or an honeſt man to perform. His knowledge of commerce and revenue, his powers of inſinuation, and, above all, his readineſs of pen, were deemed of no ſmall utility, in promoting *The Union.* And we ſhall find him no inconſiderable actor in the performance of that greateſt of all good works. He attended the committees of Parliament, for whoſe uſe he made ſeveral of the calculations * on the ſubject of trade and taxes. He complains †, however, that when afterwards ſome clamour was raiſed upon the inequality of the proportions, and the contrivers began to be blamed, and a little threatened a-la-mob, then it was D. F. ‡ made it all, and he was to be ſtoned for it. He endeavoured to confute ¶ all that was publiſhed by the popular writers in Scotland againſt the Union: and he had his ſhare of danger, and, as he ſays, he was watched by the mob, in order to know where to find him; had his chamber windows inſulted; but, by the prudence of his friends, and God's providence, he eſcaped ‖. In the midſt of this great ſcene of buſineſs and tumult, he collected the documents, which he afterwards publiſhed for the inſtruction of poſterity, with regard to one of the moſt difficult, and, at the ſame time, the moſt fortunate tranſactions in our annals.

How he was rewarded for all theſe ſervices, and all this riſque, he does not tell; and cannot now be eaſily known. He already enjoyed an appointment, which had been formerly made in conſideration of a ſpecial ſervice of no ſmall danger: yet is there reaſon to think, that he had a *penſion* rather than an *office*, ſince his name is not in the *red-book* of the Queen; and he ſolemnly avers, in *his Appeal*, that he had not intereſt enough with Lord Oxford *to procure him the arrears due to him in the time of the former Miniſtry.* This *appointment*, whatever it was, he is ſtudious to tell, he originally owed to Harley: he, however, thankfully acknowledges, that Lord Godolphin continued his favour to him

* See his Hiſtory of the Union, p. 401. † Ibid. p. 379.

‡ Daniel Foe. He had two names through life; and even when letters of adminiſtration were granted on his perſonal eſtate, ſome time after his death, *De* Foe is added with an *otherwiſe*. We might thence infer, that his father's name was *Foe*, if we had not now better evidence of *the fact*.

¶ Ibid. 223. ‖ Ibid. 239.

after

after the unhappy breach that ſeparated his firſt benefactor from the Miniſter, who for three years continued in power.

The nation, which was thus filled with combuſtible matter, burſt into flame, the moment of that memorable ſeparation, in 1707. In the midſt of this conflagration our Author was not inactive. He waited on Harley, after he had been driven from power, who generouſly adviſed him *to continue his ſervices to the Queen, which he ſuppoſed would have no relation to perſonal differences among ſtateſmen.* Godolphin received him with equal kindneſs, by ſaying,—*I always think a man honeſt till I find to the contrary.* And if we may credit De Foe's aſſeverations, in the preſence of thoſe who could have convicted him of falſehood, he *for three years held no correſpondence with his principal benefactor, which the great man never took ill of him.*

When Godolphin was in his turn expelled, our Author in the ſame manner waited on the ex-miniſter; who obligingly ſaid to him, *That he had the ſame good will, but not the ſame power to aſſiſt him:* and Godolphin told him, what was of more real uſe, *to wait till he ſaw things ſettled, and then to receive the Queen's commands from her confidential ſervants.* It naturally occurred to De Foe, that it was his duty to go along with every Miniſtry, while, as he ſays, they did not break in on the conſtitution. And who can blame a very ſubordinate officer, (if indeed he held an office,) who had a wife and ſix children to maintain with very ſcanty means? He was thus, ſays he, caſt back providentially on his firſt benefactor, who laid his caſe before her Majeſty, whereby he preſerved his intereſt, without any engagement.

De Foe now lived at Newington, in comfortable circumſtances, preparing ſome works for the preſs, and publiſhing *The Reviews:* in this ſituation he gave and received many wounds, during the *pen and ink war* of that contentious period. And even before the memorable change of the Miniſtry in 1710, he entered into a truce of honour with Mr. J. Dyer, who was engaged in ſimilar occupations, that, however they might claſh in party, they may write without perſonal reflections, and thus differ ſtill, and yet preſerve the Chriſtian and the gentleman*. But between profeſſed controvertiſts ſuch a treaty could only be perſevered in with Punic faith.

Our

* The following letter to Mr. J. Dyer, in Shoe-lane, who was then employed, by the leaders of the Tories, in circulating news and inſinuations through the country, will ſhew the literary manners of thoſe times, and convey ſome anecdotes, which are no where elſe preſerved. The original letter is in the Muſeum, Harl. MSS. No. 7001. fol. 269.

Mr. Dyer,

I have your letter. I am rather glad to find you put it upon the tryal who was aggreſſor, than juſtify a thing which I am ſure you cannot approve; and in this I aſſure you I am far from injuring you, and refer you to the time when long ſince you had wrote *I was fled from juſtice:* one *Sam-*

mon

Our Author found leiſure at length to republiſh, in 1712 *, a Hiſtory of the Union, which, as he ſays, lay longer in the preſs than he expected; and which is now publiſhed a third time, when a ſimilar Union has become the topic of public debate and private converſation. It ſeems to have been little noticed when it firſt appeared: for as the preface ſtates, it had many difficulties in the way; many factions to encounter, and parties to pleaſe. The ſubject of this work is the completion of a meaſure, which was carried into effect, notwithſtanding obſtructions apparently inſurmountable, and tumults approaching to rebellion; and which has produced the ends deſigned, beyond expectation, whether we conſider its influence on the Government, or on the happineſs of the governed. The language of this narrative, if it wants the dignity of the great hiſtorians

mon being taken up for printing a libel, and *I being then on a journey*, nor the leaſt charge againſt me for being concerned in it by any body but your letter: — alſo many unkind perſonal reflections on me in your letter, *when I was in Scotland, on the affair of the Union*, and I aſſure you when my paper had not in the leaſt mentioned you, and thoſe I refer to time and date for the proof of.

I mention this only in defence of my laſt letter, in which I ſaid no more of it than to let you ſee I did not merit ſuch treatment, and could nevertheleſs be content to render any ſervice to you, tho' I thought myſelf hardly uſed.

But to ſtate the matter fairly between you and I, *a writing for differing intreſts*, and ſo poſſibly coming under an unavoidable neceſſity of jarring in ſeveral caſes: I am ready to make a fair truce of honour with you, (viz.) that if what either party are doing, or ſaying, that may claſh with the party we are for and urge us to ſpeak, it ſhall be done without naming either's name, and without perſonal reflections; and thus we may differ ſtill, and yet preſerve both the chriſtian and the gentleman.

This I think is an offer may ſatisfy you. I have not been deſirous of giving juſt offence to you, neither would I to any man, however I may differ from him; and I ſee no reaſon why I ſhould affront a man's perſon, becauſe I do not join with him in principle. I pleaſe myſelf with being the firſt propoſer of ſo fair a treaty with you, becauſe I believe, as you cannot deny its being very honourable, ſo it is not leſs ſo in coming firſt from me, who I believe could convince you of my having been the firſt and the moſt ill treated—for further proof of which I refer you to your letters, *at the time I was threatened by the Envoy of the King of Sweden.*

However, Mr. Dyer, this is a method which may end what is paſt, and prevent what is future; and if refuſed, the future part I am ſure cannot lye at my door.

As to your letter, your propoſal is ſo agreeable to me, that truly without it I could not have taken the thing at all; for it would have been a trouble intollerable both to you as well as me, to take your letter every poſt, firſt from you, and then ſend it to the poſt houſe.

Your method of ſending to the black box, is juſt what I deſigned to propoſe, and Mr. Shaw will doubtleſs take it of you: if you think it needful for me to ſpeak to him, it ſhall be done—what I want to know is only the charge, and that you will order it conſtantly to be ſent, upon hinting whereof I ſhall ſend you the names——Wiſhing you ſucceſs in all things (*your opinions of Government excepted*) I am,

Your humble ſervant,

Newington, June 17, 1710. De Foe.

* The firſt edition was publiſhed in 1709.

of

of the preſent day, has greater ſweetneſs; if it is not ſometimes grammatical, it is always preciſe; and if it is thought defective in ſtrength, it muſt be allowed to poſſeſs in a high degree an eaſy flow of entertaining periods. Conſidering the factiouſneſs of the age, the Author's candour is admirable. He is at once learned and intelligent. And the minuteneſs with which he deſcribes what he ſaw and heard on the turbulent ſtage, where he acted a conſpicuous part, is extremely intereſting to us, who wiſh to know what actually paſſed, however this circumſtantiality may have diſguſted contemporaneous readers. Hiſtory is chiefly valuable, as it tranſmits a faithful copy of the *manners* and *ſentiments* of every age. This narrative of De Foe is a drama, in which he introduces the higheſt peers and the loweſt peaſants, ſpeaking and acting, according as they were each actuated by their characteriſtic paſſions; and while the man of taſte is amuſed by his *manner*, the man of buſineſs may draw inſtruction from the *documents*, which are appended to the end, and interſperſed in every page.

From this publication, which had alone preſerved his name, had his *Cruſoe* entertained us leſs, our Author was ſoon drawn to other lucubrations. To eſtabliſh a peace after a glorious war, is one of the hardeſt taſks, which can be aſſigned to Britiſh Miniſters, becauſe their opponents never fail to turn the current of popular diſſatisfaction on their meaſures, whatever they may be. The treaty of Utrecht furniſhes a memorable example of this. The furious debates which enſued within the walls of Parliament and without, are ſufficiently remembered. About this time, ſays Boyer, in May, 1713, a paper, entitled MERCATOR, or Commerce Retrieved, was publiſhed on Tueſdays, Thurſdays, and Saturdays. This was firſt fathered on Arthur Moore, aſſiſted by Doctor D' Avenant; but the latter ſolemnly denied it: and it ſoon after appeared to be the production of Daniel De Foe, an ambidextrous hireling, who for this dirty work received a large weekly allowance from the Treaſury. That he wrote in *the Mercator* De Foe admits; but, he expreſsly denies, that "he either was *the Author* of it, had the property of it, the printing of it, the profit of it, or had the power to put any thing into it, if he would." And, by *his Appeal*, he affirms before God and the world, "that he never had any payment, or reward, for writing any part of it." Yet, that he was ready to defend thoſe papers of the Mercator which were really his, if men would anſwer with arguments rather than abuſe; though not thoſe things, which he had never written, but for which he had received ſuch uſage. He adds, with the noble ſpirit of *a true-born Engliſhman*, "The preſs was open to me as well as to others; and how, or when I loſt my *Engliſh liberty* of ſpeaking my mind, I know not: neither how my ſpeaking my opinions, *without fee or reward*, could authorize any one to call me villain, raſcal, traitor, and ſuch opprobrious names."

Of

Of the imputed connection with his *firſt benefactor*, Harley, during that memorable period, our Author ſpeaks with equal firmneſs at a moment when much firmneſs was neceſſary. I ſolemnly proteſt, ſays he, by *his Appeal*, in the preſence of Him who ſhall judge us all, that I have received no inſtructions, orders, or directions for writing any thing, or materials from Lord Oxford, ſince Lord Godolphin was Treaſurer, or that I have ever ſhewn to Lord Oxford any thing I had written, or printed. He challenges the world to prove the contrary; and he affirms, that he always capitulated for liberty to ſpeak, according to his own judgment of things. As to conſideration, penſion, or reward, he declares moſt ſolemnly, that he had none, except his old appointment made him long before by Lord Godolphin. What is extremely probable, we may eaſily credit, without ſuch ſtrong aſſeverations. However Lord Oxford may have been gratified by the voluntary writings of De Foe, he had doubtleſs other perſons who ſhared his confidence, and wrote his *Examiners*.

But De Foe publiſhed that, which, by no means, promoted Lord Oxford's views, and which therefore gained little of his favour. Our Author wrote againſt the peace of Utrecht, during the negotiation, becauſe he approved of it as little as he had done the treaty at Gertruydenburgh, under very different influences, a few years before. The peace *he* was for, as he himſelf ſays, was ſuch as ſhould neither have given the Spaniſh monarchy to the Houſe of Bourbon, nor to the Houſe of Auſtria; but that this bone of contention ſhould have been ſo broken to pieces, as that it ſhould not have been dangerous to Europe, and that England and Holland ſhould have ſo ſtrengthened themſelves, by ſharing its commerce, as ſhould have made them no more afraid of France, or the Emperor; and that all that we ſhould conquer in the Spaniſh Weſt-Indies ſhould be our own. But, it is equally true, he affirms, that when the peace was eſtabliſhed, "I thought our buſineſs was to make the beſt of it; and rather to inquire what improvements could be made of it, than to be continually exclaiming againſt thoſe who procured it."

Unhappily for his fame, De Foe's connections with the pillory has tranſmitted his name with no good report to poſterity. If we could diveſt ourſelves of hereditary prejudices, and judge of him by what *he ſaid* and *did*, we ſhould ſee him riſe ſuperior, as a ſtateſman, to the great men of both ſides, who, having entangled themſelves in names *, bade defiance to common ſenſe. Our Author, as we have ſeen, objected before hoſtilities began to an offenſive war in Flanders; while he adviſed to attack the Spaniards on their weakeſt ſide, for the ſake of equivalents. During the treaty he equally ſuggeſted, to break the bone of contention, by giving the conteſted prize to neither the one Houſe nor

* Such as, common cauſe—*allies*—Houſe of Bourbon—Don Carlos—Houſe of Auſtria—barrier in Flanders, and other jargon of a ſimilar ſound, in which Great Britain had not the leaſt intereſt.

the

the other; to ſtrengthen ourſelves by commercial advantages; and above all, to preſerve for our own uſe whatever we might conquer in the Spaniſh Weſt Indies. He manfully avowed his opinion, in 1715, when it was both diſgraceful and dangerous, that the 9th article of the Treaty of Commerce was calculated for the advantage of our trade: "Let who will make it, that," ſays he, "is nothing to me. My reaſons are, becauſe it tied up the French to open the door to our manufactures, at a certain duty of importation *there*; and left the Parliament of Britain at liberty to ſhut theirs out, by as high duties as they pleaſed *here*; there being no limitation upon us, as to duties on French goods, but, that other nations ſhould pay the ſame. While the French were thus bound, and the Britiſh free, I always thought we muſt be in a condition to trade to advantage, or it muſt be our own fault: this was my opinion, and is ſo *ſtill*; and I would engage to maintain it againſt any man, on a publick ſtage, before a jury of fifty merchants, and venture my life upon the cauſe, if I were aſſured of fair play in the diſpute. But, that it was my opinion, we might carry on a trade with France to our great advantage, and that we ought for that reaſon to trade with them *, appears in the third, fourth, fifth, and ſixth volumes of *The Reviews*, above nine years before *The Mercator* was thought of."

"While I ſpoke of things thus," ſays our Author, "I bore infinite reproaches, as the defender of the peace, by pamphlets, which I had no hand in." He appears to have been ſilenced by noiſe, obloquy, and indignation: and finding himſelf in this manner treated, he declined writing at all, as he aſſures us; and for great part of a year never ſet pen to paper, except in *The Reviews*. "*After this*," continues he, "*I was a long time abſent in the north of England*;" though, we may eaſily infer, for a very different reaſon than that of the famous retirement of Swift, upon the final breach between Oxford and Bolingbroke.

The place of his retreat is now known to have been Halifax, on the borders of Lancaſhire †. And obſerving here, as he himſelf relates, the inſolence of the Jacobite party, and how they inſinuated the Pretender's rights into the common

* The 8th article of the Commercial Treaty, which our Author here alludes to, and which was then received with ſo much indignation, amounted to this, and no more: That Britiſh ſubjects ſhall enjoy in France all the commercial privileges, which the moſt favoured nations enjoy; and that French ſubjects ſhall enjoy the ſame in Britain. It would be affronting to the people of this country, conſidering their capitals, their ſkill, and their induſtry, to ſuppoſe that ſuch a ſtipulation would not be extremely deſirable with every State, becauſe it would be the *moſt beneficial*. The deſire of *greater privileges* than the *moſt favoured* nation, was always abſurd, and has become at length exploded; becauſe ſuch a treaty creates *an intereſt* to prevent a ſteady fulfilment of it.

† The late Hiſtory of Halifax relates, That Daniel De Foe, being forced to abſcond on account of his political writings, reſided at Halifax in the Back-lane, at the ſign of the Roſe and Crown; being known to Doctor Nettleton, the phyſician, and to the Rev. *Mr. Prieſtly*, miniſter of a diſſenting congregation there. Mr. Watſon is miſtaken when he ſuppoſes that De Foe wrote his *Jure Divino* here, which had been publiſhed previouſly, in 1706; though he may have ſketched, on this occaſion, his *Robinſon Cruſoe*.

people, "I ſet pen to paper again, by writing *A Seaſonable Caution*: and to open the eyes of the poor ignorant country people, I gave away this all over the kingdom, as gain was not intended." With the ſame laudable purpoſe he wrote two other pamphlets; the firſt, *What if the Pretender ſhould come*; the ſecond, *Reaſons againſt the Succeſſion of the Houſe of Hanover*. "Nothing could be more plain," ſays he, "than that the titles of theſe were *amuſements**, in order to put the books into the hands of thoſe people, who had been deluded by the Jacobites." Theſe petty volumes were ſo much approved by the zealous friends of the Proteſtant ſucceſſion, that they were diligent to diſperſe them through the moſt diſtant counties. And De Foe proteſts, that had the Elector of Hanover given him a thouſand pounds, he could not have ſerved him more effectually, than by writing theſe three treatiſes.

The reader will learn with ſurpriſe and indignation, that for writing theſe tracts De Foe was arreſted, obliged to give *eight hundred* pounds bail, contrary to the Bill of Rights, and proſecuted by information, during Trinity term 1713. He attributes this proſecution to the malice of his enemies, who were numerous and powerful. *No inconſiderable people* were heard to ſay, that they knew the books were againſt the Pretender, but that De Foe had diſobliged them in other things, and they reſolved to take this advantage to puniſh him. This ſtory is the more credible, as he had procured good evidence to prove *the fact*, had the trial come on. He was prompted by conſciouſneſs of innocence *to defend himſelf in print*, pending the proſecution; which offended the judges, who ſeem to have been ſomewhat infected with the violent ſpirit of the times. But, it was happy for our author, that his *firſt benefactor* was ſtill in power, who procured him the Queen's pardon, in December 1713. This act of liberal juſtice was produced by the party-writers† of thoſe *black and bitter* days, as an additional proof of Lord Oxford's attachment to the abdicated family; while De Foe was ſaid to be convicted of abſolute Jacobitiſm, contrary to the tenor of his life, and the purpoſe of his writings. He himſelf ſaid ſarcaſtically, that they might as well have made him a *Mahometan*. On his tomb-ſtone it might have been engraved, That he was the firſt Engliſhman, who had been obliged to aſk a royal pardon, for writing in favour of the Hanover ſucceſſion.

"No ſooner was the Queen dead," ſays he, "and the King, as right required, proclaimed, but the rage of men encreaſed upon me to that degree, that the threats and inſults were ſuch as I am unable to expreſs. Though I have written nothing ſince the Queen's death; yet, a great many things are called

* The pamphlets mentioned in the text, were filled with palpable banter. He recommends the Pretender, by ſaying, That *the Prince would confer on every one the privilege of wearing wooden ſhoes*, and at the ſame time *eaſe the nobility and gentry of the hazard and expence of winter journies to Parliament*.

† See Boyer's Political State, &c.

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by my name, and I bear the anſwerers inſults. I have not ſeen or ſpoken with the Earl of Oxford," continues he, "ſince the King's landing, but once; yet, he bears the reproach of my writing for him, and I the rage of men for doing it." He appears indeed to have been, at that noiſy period, ſtunned by factious clamour, and overborne, though not ſubdued, by unmerited obloquy. He probably loſt his original appointment, when his firſt benefactor was finally expelled. Inſtead of meeting with reward for his zealous ſervices in ſupport of the Proteſtant ſucceſſion, he was on the acceſſion of George I. diſcountenanced by thoſe who had derived a benefit from his pen. And of Addiſon, who was now exalted into office, and enjoyed literary patronage, our Author had ſaid, in his *Double Welcome to the Duke of Marlborough*—

Mæcenas has his modern fancy ſtrung,
And fixed his penſion firſt, or he had never ſung.

While thus inſulted by enemies, and diſcountenanced by power, our Author publiſhed his *Appeal to Honour and Juſtice*, in 1715; being *a true Account of his Conduct in public Affairs*. As a motive for this intrepid meaſure, he affectingly ſays, That, "by the hints of mortality and the infirmities of a life of ſorrow and fatigue, I have reaſon to think, that I am very near to the great ocean of eternity, and the time may not be long ere I embark on the laſt voyage: wherefore, I think I ſhould *even accounts* with this world before I go, that no ſlanders may lye againſt my heirs, to diſturb them in the peaceable poſſeſſion of their father's inheritance, his character." It is a circumſtance perhaps unexampled in the life of any other writer, that before he could finiſh his Appeal, he was ſtruck with an apoplexy. After languiſhing more than ſix weeks, neither able to go on, nor likely to recover, his friends thought fit to delay the publication no longer. "It is the opinion of moſt who know him," ſays Baker, the publiſher, "that the treatment which he here complains of, and others of which he would have ſpoken, have been the cauſe of this diſaſter." When the ardent mind of De Foe reflected on what he had done, and what he had ſuffered, how he had been rewarded and perſecuted, his aged heart melted in deſpair. Whoever reads *his Appeal* will meet with paſſages of great vigour, and paragraphs of equal weakneſs. His ſpirit, like a candle ſtruggling in the ſocket, blazed and ſunk, and blazed and ſunk, till it diſappeared at length in darkneſs.

While his ſtrength remained, he expoſtulated with his adverſaries, in the following terms of great manlineſs, and inſtructive intelligence:—"It has been the diſaſter of all parties in this nation, to be very hot in their turn, and as often as they have been ſo, I have differed with them all, and ever muſt, and ſhall do ſo. I'll repeat ſome of the occaſions on the Whig ſide, becauſe from that quarter the accuſation of my turning about comes.

"*The firſt time* I had the misfortune to differ with my friends, was about the year 1683, when the Turks were beſieging Vienna, and the Whigs in England,

generally ſpeaking, were for the Turks taking it; which I, having read the hiſtory of the cruelty and perfidious dealings of the Turks in their wars, and how they had rooted out the name of the Chriſtian religion in above threeſcore and ten kingdoms, could by no means agree with; and though then but a young man, and a younger author, I oppoſed it, and wrote againſt it; which was taken very unkindly indeed.

"*The next time* I differed with my friends, was when King James was wheedling the Diſſenters to take off the penal laws and teſt, which I could by no means come into. And as in the firſt I uſed to ſay, I had rather the Popiſh Houſe of Auſtria ſhould ruin the Proteſtants in Hungaria, than the Infidel Houſe of Ottoman ſhould ruin both Proteſtant and Papiſt, by overrunning Germany; ſo in the other, I told the Diſſenters, I had rather the Church of England ſhould pull our clothes off, by fines and forfeitures, than the Papiſts ſhould fall both upon the Church and the Diſſenters, and pull our ſkins off, by fire and faggot.

"*The next difference* I had with good men, was about the ſcandalous practice of occaſional conformity, in which I had the misfortune to make many honeſt men angry, rather becauſe I had the better of the argument, than becauſe they diſliked what I ſaid.

"And now I have lived to ſee the Diſſenters themſelves very quiet, if not very well pleaſed with an act of Parliament to prevent it. Their friends indeed laid it on; they would be friends indeed, if they would talk of taking it off again.

"*Again*, I had a breach with honeſt men for their male-treating King William; of which I ſay nothing: becauſe, I think, they are now opening their eyes, and making what amends they can to his memory.

"*The fifth difference* I had with them, was about the treaty of partition, in which many honeſt men were miſtaken, and in which I told them plainly then, that they would at laſt end the war upon worſe terms; and ſo it is my opinion they would have done, though the treaty of Gertruydenburgh had taken place.

"*The ſixth time* I differed with them, was when the old Whigs fell out with the modern Whigs; and when the Duke of Marlborough and my Lord Godolphin were uſed by the Obſervator in a manner worſe, I confeſs, for the time it laſted, than ever they were uſed ſince; nay, though it were by Abel and the Examiner: but the ſucceſs failed. In this diſpute my Lord Godolphin did me the honour to tell me, I had ſerved him and his Grace alſo, both faithfully and ſucceſsfully. But his Lordſhip is dead, and I have now no teſtimony of it, but what is to be found in the Obſervator, where I am plentifully abuſed for being an enemy to my country, by acting in the intereſt of my Lord Godolphin and the Duke of Marlborough. What weathercock can turn with ſuch tempers as theſe!

"*I am*

" *I am now in the ſeventh breach with them*, and my crime now is, that I will not believe and ſay the ſame things of the Queen, and the late Treaſurer, which I could not believe before of my Lord Godolphin and the Duke of Marlborough, and which in truth I cannot believe, and therefore could not ſay it of either of them; and which, if I had believed, yet I ought not to have been the man that ſhould have ſaid it, for the reaſons aforeſaid.

" In ſuch turns of tempers and times a man muſt have been ten-fold a Vicar of Bray, or it is impoſſible but he muſt one time or other be out with every body. This is my preſent condition, and for this I am reviled with having abandoned my principles, turned Jacobite, and what not: God judge between me and theſe men! Would they come to any particulars with me, what real guilt I may have, I would freely acknowledge; and if they would produce any evidence, of the bribes, the penſions, and the rewards I have taken, I would declare honeſtly, whether they were true or no. If they would give a liſt of the books which they charge me with, and the reaſons why they lay them at my door, I would acknowledge any miſtake; own what I have done; and let them know what I have not done. But theſe men neither ſhew mercy, nor leave room for repentance, in which they act not only unlike their Maker, but contrary to his expreſs commands *."

With the ſame independence of ſpirit, but with greater modeſty of manner, our Author openly diſapproved of the intemperance, which was adopted by Government, in 1714, contrary to the original purpoſe of George I. " It is and ever was my opinion," ſays De Foe, in *his Appeal*, " that moderation is the only virtue by which the tranquillity of this nation can be preſerved; and even the King himſelf (I believe his Majeſty will allow me that freedom) can only be happy in the enjoyment of the crown, by a moderate adminiſtration: if he ſhould be obliged, contrary to his known diſpoſition, to join with intemperate councils, if it does not leſſen his ſecurity, I am perſuaded, it will leſſen his ſatisfaction. To attain at the happy calm, which is the conſideration that ſhould move us all, (and he would merit to be called the nation's phyſician, who could preſcribe the ſpecific for it,) I think I may be allowed to ſay: *a conqueſt of parties*

* The moſt ſolemn aſſeverations, and the moſt unanſwerable arguments of our Author, were not, after all, believed. When Mr. Charles King republiſhed, a few years afterwards, *The Britiſh Merchant*, he without a ſcruple attributed *The Mercator* to a hireling writer of a weekly paper called *The Review*. And Anderſon, at a ſtill later period, goes further in his Chronology of Commerce, and names De Foe, as *the hireling* writer of *The Mercator* and other papers in favour of the French treaty of trade. We can now judge with the impartiality of arbitrators: on the one hand, there are the death-bed declaration and living challenge of De Foe; on the other, the mere ſurmiſe and unauthorized aſſertion of King, Anderſon, and others. It is ſurely time to free ourſelves from prejudices of every kind, and to diſregard the ſound of names as much as the falſehoods of party.

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will never do it; a balance of parties may." Such was the political teſtament of De Foe; which, it had been happy for Britain, had it been as faithfully executed, as it was wiſely made.

The year 1715 may be regarded as the period of our Author's political life. Faction henceforth found other advocates, and parties procured other writers to diſſeminate their ſuggeſtions, or to propagate their falſehoods. De Foe now lived, diſcountenanced and diſtreſſed, at Newington, and comforted only by a wife, whom he loved, and by ſix children, whom he had taken great pains to educate. In this retirement he is ſuppoſed to have written the well-known *Life* and *ſurpriſing Adventures of Robinſon Cruſoe*; the firſt part of which was publiſhed in 1719, and the ſecond before the end of the year. The reception of it was popular, and the ſale was great: for the ſtory, ſays the preface, "was told with modeſty and ſerioufneſs, and with religious application of events to the uſes, to which wiſe men always apply them; the inſtruction of others, by example, and the juſtification of Providence in all the different circumſtances, during the ſufferings of this world." The attention is fixed either by the ſimplicity of the narrative, or by the variety of the incidents; the heart is amended by a *vindication of the ways of God to man*, and the underſtanding is informed by various inſtances of the ſuperiority of the uſeful over the ornamental arts: the young are inſtructed, while the old are amuſed.

Robinſon Cruſoe had ſcarcely drawn his canoe aſhore, when he was attacked by his old enemies, *the ſavages*. He was aſſailed firſt by *The Life and ſtrange Adventures of Mr. D—— De F—, of London, hoſier; who has lived above fifty years by himſelf, in the kingdoms of North and South Britain.* In a dull dialogue between him, Cruſoe, and his man Friday, our Author's life is here lampooned, and his misfortunes ridiculed. But he who had been ſtruck by apoplexy, and who was now diſcountenanced by power, and enchained by penury, was no fit object of an Engliſhman's ſatire. Our Author declares when he was himſelf a writer of ſatiric poetry, "that he never reproached any man for his private infirmities, for having his houſe burnt, his ſhips caſt away, or his family ruined; nor had he ever lampooned any one, becauſe he could not pay his debts, or differed in judgment from him." Pope has been juſtly cenſured for purſuing a vein of ſatire extremely diſſimilar. And Pope placed De Foe in the ſame diſtich with Tutchen, in *The Dunciad*, when our Author's age and infirmities were greater and his comforts leſs. He was aſſaulted, ſecondly, in 1719, by *An Epiſtle to D—— De F-e, the reputed Author of Robinſon Cruſoe.* "Mr. Foe," ſays the letter-writer, "I have peruſed your pleaſant ſtory of *Robinſon Cruſoe*; and if the faults of it had extended no further than the frequent ſoleciſms, looſeneſs, and incorrectneſs of ſtyle, improbabilities, and ſometimes impoſſibilities, I had not given you the trouble of this Epiſtle." This critic, who renewed his angry attack, when the ſecond volume appeared, has all the dulneſs,

dulneſs, without the acumen, of Dennis, and all his malignity, without his intentions of reformation. *The Life of Cruſoe* has paſſed through ſeventeen editions, and has been tranſlated into other languages, while the criticiſm dropped into oblivion.

How De Foe employed his latter years, it is now impoſſible to know. If he publiſhed *The Family Inſtructor* and *The Plan of Commerce*, with other ſmaller tracts, which are attributed to him, it may be truly affirmed, that his old age was uſefully ſpent. He died, in April 1731, within the pariſh of St. Giles's, Cripplegate, London, at an age, if he was born in 1663, when it was time to prepare for *his laſt voyage*. He left a widow, Suſannah, who did not long ſurvive him; and ſix ſons and daughters, whom he boaſts of having educated as well as his circumſtances would admit. His ſon Daniel is ſaid to have emigrated to Carolina; of Benjamin, his ſecond ſon, no account can be given. His daughter Sophia's beauty married her to Mr. Henry Baker, the reſpectable author of ſome valuable treatiſes on natural hiſtory, whoſe collections were ſold by Paterſon, in March 1775. His daughter Maria married one Langley. But, Hannah and Henrietta probably died unmarried, ſince they were heireſſes only of a name, which did not recommend them. De Foe probably died inſolvent; for, letters of adminiſtration on his goods and chattels were granted to Mary Brooke, widow, a creditrix, in September 1733, after ſummoning in official form the next of kin to appear *.—Of his petty habits it is now impoſſible to tell more than he has thus told himſelf †: "God, I thank thee, I am not a drunkard, or a ſwearer, or a whore-maſter, or a buſie-body, or idle, or revengeful; and though this be true, and I challenge all the world to prove the contrary, yet, I muſt own I ſee ſmall ſatisfaction in all the negatives of common virtues; for though I have not been guilty of any of theſe vices, nor of many more, I have nothing to infer from thence, but *Te Deum laudamus*." He ſays himſelf—

> Confeſſion will anticipate reproach,
> He that reviles us then, reviles too much:
> All ſatire ceaſes, when the men repent;
> 'Tis cruelty to laſh the penitent.

It is no eaſy taſk to aſcertain the value, or the titles of many of our Author's writings, if we except thoſe which he corrected himſelf and publiſhed in his lifetime. His poems, whether we regard propriety of ſentiment, or ſweetneſs of numbers, may without much loſs of pleaſure, or profit, be reſigned to thoſe,

* The above-mentioned particulars were diſcovered by ſearching the books at Doctors Commons.

† In the preface to *his Reformation*.

who,

who, in imitation of Pope, poach in the fields of obſolete poetry for brilliant thoughts, felicities of phraſe, or for happy rhymes. De Foe's eccleſiaſtical pamphlets may be relinquiſhed to the peruſal of thoſe who delight in eccleſiaſtical polemics. But, his tracts, political and commercial, the lovers of that liberty, which he ably defended, and the friends of that trade, which he liberally explained, muſt wiſh to ſee reſcued from oblivion, and republiſhed without the contamination of matter, leſs engaging and inſtructive. Dryden and his Contemporaries had brought Dedications into diſgrace by the fulſomeneſs of their flattery and the ſervility of their ſtyle. The Dedications of the preſent day have abſurdly run into the contrary extreme. But the writers, who are permitted to dedicate their works to royal patrons, ought to peruſe De Foe's dedicatory epiſtles to King William and Queen Anne; wherein they will find dignity of ſentiment and delicacy of praiſe, conveyed in language, at once elegant and inſtructive: his Dedications to *The Hiſtory of the Union of England and Scotland* would alone juſtify this remark.

FINIS.

TO THE

QUEEN.

MADAM,

IT is the glory of your MAJESTY's reign, that all your great actions, and all your great deſigns, whether abroad in arms, or at home in council, have a manifeſt, viſible, and profeſſed tendency to the peace and UNION of all your ſubjects.

And, Madam, as Heaven delights in the upright deſires of his creatures, when they ſeek to anſwer the end of his providence, in exalting them to their reſpective ſtations in the world; ſo we may without preſumption infer, that the ſincerity of your MAJESTY's intentions for the glory of eternal Wiſdom, and the happineſs of your people, tho' it may not be called the cauſe of our bleſſings, yet it may be part of the reaſon why we have thoſe bleſſings in your reign.

How elſe ſhall we account for the juſt diſappointments of former attempts of this kind, which GOD in his inextricable counſel has not thought fit to bleſs, but as was ſaid of his own people of old, becauſe their hearts were not right with him, neither were they ſtedfaſt in his covenant?

It was without doubt on very good grounds that your MAJESTY ſo often expreſſed your earneſt deſires to ſee this great affair of the UNION finiſhed—The felicity of a nation united, that had been ſo long and ſo often at the greateſt diſtance as to intereſt and affection, could not but recommend itſelf to your MAJESTY.

It would be worth their while who oppoſed this UNION, and ſtill refuſe to own the advantage of it, to look back upon the years of blood, and the terrible devaſtations theſe two ſiſter nations ſuffered in the days of their ſeparation; let them examine the hiſtory of the paſt ages, let them enquire there for the particulars of three hundred and fourteen battles, and calculate the blood of a million of the braveſt men in Europe, loſt in the ſenſeleſs feuds of theſe two nations.

Let them view the ſpoils of the borders, not yet repaired, the monuments of the nobility ſlain in the field, which yet remain; let them viſit the ruined caſtles, the demoliſhed fortifications, the depopulated towns, the gentlemen's ſeats left in heaps, which yet appear—were all the inconveniences of the UNION, which the moſt uneaſy people can ſuggeſt, to be allowed, yet, that an end is put to blood and rapine,

pine, that the ſword is taken out of the hand of the ſpoiler, that we ſhall no more be cutting the throats of our brethren, is worth giving their bleſſing to your MAJESTY and the UNION for, and muſt be acknowledged to the happy period of this treaty.

Nor is this all, but whatever loſs ſome may allege Scotland ſuffers in this UNION, in matters of commerce, in removing her parliaments, in leſſening the conflux of her nobility and gentry to Edinburgh, in taxes, and in carrying away her people, things which time may remedy and repay her for with intereſt; yet this the moſt prejudiced man in Scotland muſt acknowledge they have in exchange, and which, if they know how to value it, is worth all they have paid or can pay for it; I mean Liberty in its due and beſt extent, religious and civil.

I doubt not, Madam, but as liberty is ſecured to Scotland by the UNION, ſo the good people of Scotland ſhall in time arrive to a differing taſte of liberty by the ſame UNION, and ſhall learn to know how to prize it; and as they learn to value liberty more, ſo they will more and more bleſs God and your MAJESTY for the UNION, which has removed them at once from a ſtate of bondage to their Governours, and from the petty tyranny of their own conſtitution, to be made one with the freeſt nation in the world.

Thoſe that complain of this UNION in the little articles of commerce, and on pretence of inequalities, in which they never fail of redreſs in parliament, as often as they apply themſelves for it, ſhould do well to look back upon the days of cruelty and perſecution, when the gaols were filled with their citizens, and the places of execution covered with the blood of their miniſters, when their church was trampled under foot, and they had no liberty to worſhip God according to their conſciences: even in the felicity of a Revolution eſtabliſhment, they had no ſecurity, that theſe times ſhould not return upon them; but by the UNION, they ſee themſelves unalterably eſtabliſhed, their church-government made a fundamental of the conſtitution, and the very church of England engaged to preſerve it intire.

If their eyes are open, they may read their ſafety in the rage and deſperation of their enemies, who have no room to invade them, but in rebellion againſt your MAJESTY; who inſult the church of Scotland and your MAJESTY's authority together; and none are found daring to open their mouths againſt them, but thoſe that with the ſame breath blaſpheme your royal eſtabliſhment, and wickedly worſhip an invading uſurper.

It ought to be the comfort as it is the honour of the church of Scotland, that her ſafety, and your MAJESTY's authority, have the ſame eſtabliſhment, are linked together by the indiſſolvable bonds of the ſame UNION, have the ſame enemies, and the ſame friends, and in all probability muſt have the ſame duration.

No human power can alter the eſtabliſhment of the church of Scotland, but they muſt diſſolve the UNION of the two kingdoms; and in ſuch diſſolution would of courſe follow the unravelling the proteſtant ſucceſſion, and overthrowing the Revolution upon which the preſent conſtitution and your MAJESTY's royal dignity is eſtabliſhed.

This alone, if rightly conſidered, would ſtop the complaints of all thoſe people in Scotland, who, however they may be otherwiſe diſſatisfied with the UNION, have yet a true value for the ſafety of their religion, the eſtabliſhment of their church, and their deliverance from perſecution.

And there is no queſtion but in time the juſt reflection on theſe things will prevail upon men of honeſty in all parts of your MAJESTY's dominions, to acknowledge the happineſs and advantages of the UNION, tho' at preſent the artifice of their enemies, rather than any real miſchiefs felt by it, have filled their mouths with complaint.

As their religious liberty is thus ſecured, ſo civil liberty is an immediate and viſible effect of this great tranſaction: all the invaſions of ignorant magiſtrates, privy-council uſurpations, abuſing the royal authority, and the perſonal tyranny of the gentry over the commonalty, is, if they pleaſe, depoſed by this UNION: Scotland is now in no bondage but what is merely voluntary; owing to their want of a taſte of liberty, and their ignorance of the advantages of it; things, which time and experience will not fail to remove, and Scotland ſhall hereafter be reckoned amongſt theſe free people that all the world envies.

Poſterity, Madam, muſt own to your MAJESTY's memory, all that they meet with in the UNION, that is peaceable, eaſy, and advantageous; and the nations that are yet to be born will bleſs your very name, when they ſee the effects of it to them and their children.

That Faction will be ever heaving and ſtruggling, Envy raging, Slander barking, and Hell plotting againſt this UNION, and againſt every happy event that proceeds from it, is rather a teſtimony for, than an argument againſt it. It could not be expected that any kind of people, whoſe hopes, or gain, or intereſt, or party ſubſiſted in the diſorders and convulſions of their native country, ſhould ſmile upon this undertaking: the intereſts of popery, tyranny, French uſurpations, and ſpurious ſucceſſion, received a mortal ſtab by this UNION; and therefore cannot but make war againſt it upon all occaſions.

If proteſtants, if men of honeſt deſigns and good principles are found complaining of, or regretting the UNION, it is only ſuch whoſe private prejudices are built upon the errors of their judgment; or whoſe eyes it has not yet pleaſed God to open to the true intent and deſign of your MAJESTY in bringing it to paſs.

But as it is to be hoped, thoſe prejudices ſhall in time be removed, and all honeſt

men

men ſhall ſee the public good in the UNION; ſo there has always been this happy difference, even in the diſlike of theſe men to the UNION, and that of other people—that theſe objected againſt circumſtances, thoſe againſt eſſentials—theſe have their little ſcruples as they fear the UNION may interfere with their civil or religious intereſts, thoſe abhor the very thing UNION, and oppoſe it as ſuch, and as it tends to the peace and proſperity of both nations.

The truth of this diſtinction appeared moſt evidently in the affair of the late invaſion, when joy and ſatisfaction appeared in the very countenances of the Jacobite oppoſers of the UNION, from the view they had of the overthrow of the conſtitution by a French and Popiſh uſurpation; while the other, like faithful ſubjects to your MAJESTY, prepared to defend even that very UNION they diſliked, honeſtly laying aſide their private prejudices, to join in the public defence of your MAJESTY and their country, and thereby approved themſelves both good Chriſtians, and good ſubjects, to the glory of your MAJESTY's government, and to the confuſion and diſappointment of your enemies.

May it pleaſe your MAJESTY,

As the UNION bears your royal character to poſterity, ſo no hiſtory of it can be perfect without your name in it's frontpiece: the world muſt have your MAJESTY's zeal for, and concern in this great tranſaction of UNION made particularly known; or no hiſtorian can be juſt in the relation, nor can poſterity form any ideas in their minds, of the manner how it came to paſs.

Your wiſe and faithful counſellors aſſiſted, managed, and formed this mighty embrio; but the conception, the thought of UNION, the paſſion for it's compleating, the vehement deſires of finiſhing it now, were originally your MAJESTY's own, and to theſe we owe all the vigour and application of your able miniſters, the compliance of your parliaments, and the general ſtrain of popular inclination, which was unexpectedly found in both nations for the bringing it to paſs.

The humble Author of theſe ſheets, Madam, having, amidſt a throng of diſaſters and ſorrows, been honoured by your MAJESTY, in being rendered ſerviceable to this great tranſaction, and having paſſed thro' all the hazards, tumults, and diſorders of that critical time, in his humble endeavours to forward the glorious deſign of your MAJESTY, for your ſubjects proſperity, thinks himſelf doubly rewarded, in having the honour to lay this account of theſe things at your MAJESTY's feet—In your MAJESTY's clemency, all the imperfections of the performance will find pardon—under your MAJESTY's protection, the truth of the narration ſhall oppoſe itſelf to all the falſe ſuggeſtions of parties and prejudice, on which ſoever ſide they appear—and in your MAJESTY's juſt and merciful adminiſtration, all the advantages

tages which the Author of this work has foretold to this nation by the UNION, ſhall in their ſeaſon be made good.

Your MAJESTY's faithful ſubjects have nothing remaining to make them compleatly happy under ſo mild and juſt a government, but by a general UNION of affection, juſt, peaceable, and virtuous inclinations, to improve the UNION of the conſtitution, and make it produce all the bleſſed effects which your MAJESTY and all good men pray for—This as it ſhall be an honour to your MAJESTY's government, and the laſting happineſs of your people, is the conſtant labour

Of,

May it pleaſe your MAJESTY,

Your MAJESTY's moſt dutiful

and obedient ſubject

and ſervant,

DANIEL DeFOE.

TO

TO HIS GRACE

JAMES,

Duke of Queenſberry and Dover, Marquis of Dumfriesſhire and Beverly, Earl of Drumlanrig and Sanquhar, Viſcount of Nith, Torthorwald and Roſs, Lord Dowglaſs of Kinmount, Midlebie and Dornock, and Baron of Rippon, one of Her MAJESTY's Principal Secretaries of State, and Knight of the Moſt Noble Order of the Garter, &c.

MY LORD,

WHEN poſterity ſhall look back on the great tranſaction of the UNION of theſe kingdoms,—when by juſt reflection on the temper, the conduct, and the conſtitution of the people, the circumſtances of the times, with the intereſt and ſtate of other nations at that time, they ſhall ſee into ſome of the difficulties which neceſſarily attended ſo ſtupendous a work; it will be moſt natural to enquire, by whoſe management, and under whoſe conduct it was carried on.

When her MAJESTY, in her ſpeech to the Parliament, at the concluſion of the UNION, was pleaſed to ſay, that it ſhould be mentioned hereafter to the honour of thoſe who were concerned in bringing it to paſs; it cannot be doubted, but your Grace had the firſt place in her Majeſty's thought.

The particulars of the UNION cannot be diſcourſed of, much leſs can any hiſtory of it be tranſmitted to poſterity; but mention muſt be made of your Grace's part in it: all our accounts will be full of the hazards you run, the inſults and affronts you received, the dangers your perſon was expoſed to in the faithful diſcharge of the high truſt your royal Miſtreſs put into your hands.

The compaſſion your Grace ſhewed for the poor enraged people, who by their warmth and fury againſt the UNION expoſed themſelves to the law, and to your juſt reſentment, are teſtimonies of a moderation and temper particularly fitted for a work of UNION—a mind qualified for peace, and that firſt having made an abſolute conqueſt of your own paſſion, was not to be moved by the extremes of others.

This, my Lord, is a teſtimony, not only of your Grace's capacity for the greateſt and niceſt concern of this age; but of her Majeſty's ſingular wiſdom and penetration in ſingling out your Grace from among the whole body of the nobility, for a truſt

truſt on which the eſſential article of her Majeſty's glory, and all Britain's ſafety, ſo much depended.

If triumphs were allowed to thoſe generals who ſubdued by force of arms the barbarous nations to the obedience of the Roman empire, if their victories which were impreſſed with blood, and which at beſt conſiſted in devaſtation of kingdoms, and deſtroying nations, were the ſubject of the flouriſhing orations, and heroic poems of the learned men of that age; how much more juſt are the triumphs of peace, and the praiſes of ſuch victories which prevent deſtructive wars, and lay ſolid foundations for the laſting tranquillity of nations?

Here are no widows and orphans, whoſe private tears leſſen the public joy, and whoſe ſighs for the loſs of their neareſt relations ſlain in the dear-bought victory, ſhall drown the acclamations they ſhould make for the proſperity of their country. Peace and UNION challenge every man's joy; their nature is ſuited to every thing that's ſafe and calm, and their conſequences never fail to be ſeen in plenty and proſperity, if the fault be not their own.

There is no queſtion, but that among that illuſtrious body, the nobility of Scotland, there were many to be found, whoſe zeal for her Majeſty's ſervice, whoſe goodwill to the UNION, whoſe ſincere aim at the ſervice of their country, ſhould juſtly recommend them in ſuch a choice: but had the perſon entruſted here been adorned with the higheſt qualities, yet without the moſt ſelf-denying moderation, the cooleſt courage, and the moſt paſſive reſolution, it had been all to no purpoſe.

It is impoſſible to expreſs, tho' I was an eye-witneſs to it all, thro' what difficulties your Grace paſſed in this nice affair, between what rocks you ſteered, what precipices you trod on, what contraries you reconciled, the leaſt deviation in any of which had puſhed your Grace and the whole nation upon irrecoverable ſhipwreck and diſaſter—more courage on one hand had precipitated all, and yet the leaſt grain of fear had ſunk the very foundation: to be angry, even when no man living could be pleaſed, to be in the leaſt moved by the moſt violent extremes, to ſhun the moſt apparent miſchiefs, to decline the greateſt difficulties, any of theſe had ruined the whole proſpect.

Even thoſe people who pretended to oppoſe your Grace in the matter of the treaty, confeſs the honour of finiſhing the UNION to be your Grace's due; ſince they look on the choice of your Grace to that work as their chief diſaſter, declaring what they hate to hear repeated, viz. that no man in Scotland but yourſelf could have done it.

Thoſe that purſuing different ſchemes, and having remote views, pretended to carry on principles of UNION, but of other and imperfect natures, came into this, not upon conviction of it's being better laid than their own; but becauſe, when they found your Grace had eſpouſed it, they foreſaw it would be done without them.

The moſt violent enemies of UNION as ſuch, and whoſe particular averſion to the proſperity of Britain, the Revolution and proteſtant ſucceſſion, was the origi-

nall

nal of their oppoſition to the treaty; who boaſted always of it's being impracticable; who had ſucceſsfully broken all the meaſures formerly taken in order to a treaty, and particularly had inſulted her Majeſty in baffling the laſt—took the alarm at your Grace's firſt appearance in this affair: this taught them to double their endeavours, to call in the aſſiſtance of all their friends, to ſtir up their politics, and uſe all the force of wit and artifice in management of parties to oppoſe it—and this at laſt taught them how to deſpair.

If the enemies of the UNION were thus alarmed at your Grace's appearing in the cauſe of the nation's peace; if they learnt to deſpair from the ſenſe of your Grace's powerful influence, and exquiſite conduct; the ſame extreme in joy and ſatisfaction poſſeſſed the friends of that great undertaking: Her Majeſty and the whole nation grounded their hopes of ſucceſs, next to God's bleſſing, upon your Grace's wiſdom and prudence in managing, moderation in bearing, ſkill in contriving, and vigour in proſecuting every ſtep of this weighty affair.

Heaven has ſaid Amen. The bleſſing of ſucceſs has joined, and the event has teſtified the truth of theſe obſervations—what well-wiſhers feared as impoſſible, what enemies boaſted as impracticable, what the nations at home doubted, and the nations abroad ſcarce dreamed of, has been finiſhed, to the ſurpriſe of Europe, the confuſion of tyranny and jacobitiſm, to the infinite ſatisfaction of her Majeſty, and to the joy of the beſt friends of Britain's happineſs.

As then your Grace has gone thro' all the rough parts of this tranſaction, as you have ſhared the envy, the fury, the hatred, and all the hazards that attended it; it is meet poſterity, when they come to ſee farther into the advantages of the UNION, than perhaps we can now do, ſhould know, and be put in mind too, to whoſe labours they are indebted.

This gives your Grace a title to theſe ſheets, in which the humble Author endeavours impartially to recite the matter of fact, without favour or reſpect: indeed the greateſt panegyric on your Grace's conduct in the Union, is, the truth of fact; and 'tis your Grace's honour, and the particular honour of the Author of theſe ſheets, that in an impartial relation of theſe tranſactions, and ſetting every thing in it's true light, he gives the greateſt luſtre to your actions, ſince no art can add to the native beauty of the whole.

I am,

May it pleaſe your Grace,

Your Grace's moſt humble,

and moſt obedient ſervant,

D. De FOE.

AN

ESSAY,

CONTAINING

A FEW STRICTURES

ON THE

UNION OF SCOTLAND WITH ENGLAND;

AND ON THE

PRESENT SITUATION OF IRELAND.

BEING AN INTRODUCTION TO

DE FOE'S HISTORY OF THE UNION.

BY J. L. DE LOLME, ADV.

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A LETTER

TO

DR. LOE'S HISTORY OF THE UNION

BETWEEN

PRESENT SITUATION OF IRELAND

AND ON THE

UNION OF SCOTLAND AND ENGLAND:

OR THE

A FEW STRICTURES

CONTAINING

E S S A Y

IN

AN ESSAY

Containing a few Strictures on the Union of Scotland with England, and on the preſent Situation of Ireland.

By J. L. De Lolme, Adv.

THE Iſland of Great Britain extends over nine degrees of latitude, viz. from the 50th to the 59th, reaching therefore as far north as Stockholm and St. Peterſburg or very near. Of theſe nine degrees England comprehends five, reckoning to Carliſle,—and ſix, reckoning to Berwick; the Engliſh territory ſtretching northwards in a point, and indenting with the Scottiſh counties as far as that town. Scotland extends over four degrees of latitude.

This northern part of Great Britain, forming a contiguous country nearly three hundred miles in length, and one hundred and fifty broad, had from very remote times been united into one kingdom. Being thus united under one Head, it had been able to reſiſt the efforts of all thoſe Powers who had at different times ſubdued the ſouthern part of the Iſland. And at the time of Edward the Firſt, that is, about two

hundred years after the Norman Conqueſt, and four hundred years after the ſeven Saxon ſovereignties had been united into one monarchy, Scotland ſtill continued to form an independent, diſtinct kingdom.

The king we have juſt mentioned, Edward I. was the firſt king of England who manifeſted a ſettled deſign to ſubdue Scotland, and unite it to his crown: he was the more particularly allured to this, by the ſucceſsful iſſue of his expedition into Wales, and the conqueſt he had been able to make of that principality.

An extremely favourable opportunity moreover offered itſelf to Edward. The crown of Scotland had become vacant, by the death of the late Sovereign without leaving iſſue. Two Candidates, ſprung from the Royal family, laid claim to it. The deciſion of the diſpute was referred to Edward I. by the two Claimants, and likewiſe by the body of the Scottiſh nobles, who were become apprehenſive of a civil war among themſelves. Edward, under pretence of proceeding with greater ſolemnity, invited the two Candidates, and the principal perſons of the Scottiſh nobility, to meet him at Norham, in Northumberland, where he was at that time encamped with an army. Having thus got all the important perſons of Scotland in his power, he proffered, on a ſudden, in his own behalf, a claim of ſovereignty and liege ſuperiority over the kingdom of Scotland; and before he ſuffered either the Candidates or the Scottiſh nobles to depart, he compelled them to recognize his claim, and take an oath of fealty to him. About a year afterwards he gave his award on the diſpute; and before he put the ſucceſsful Claimant (John Baliol) in poſſeſſion of the kingdom, he compelled him to renew his oath of fealty to him, and to bind himſelf to performing in future the different ſervices which the feudal laws uſually impoſed upon Vaſſals, ſuch as obeying ſummons, giving military aid, &c.

Conditions

Conditions that had been ſubmitted to, amidſt ſuch circumſtances, were not likely to be afterwards very faithfully executed. The failure of the Scottiſh king in performing thoſe engagements that had thus been forced upon him, induced Edward to invade Scotland. He was ſo ſucceſsful in this expedition, as both to defeat his new Vaſſal, and make him his priſoner. He carried him to London, where he kept him confined in the Tower; leaving, in the mean time, an Engliſh Governor, ſupported by an Engliſh military force, in Scotland.

The Scots took arms a ſecond time, under the conduct of that renowned leader, William Wallace: but, after a ſeries of conſiderable ſucceſſes, they loſt the great battle of Falkirk, in which Edward commanded in perſon; and Scotland was again brought under ſubjection.

Encouraged by the natural ſtrength of their country, the Scots roſe a third time, and, ſallying from their mountains and hidden faſtneſſes, drove the Engliſh garriſons before them. Edward led another army into Scotland. He was again ſucceſsful, and carried his conqueſts in this third expedition, as well as his reſentment, farther than he had done before.

A fourth time the Scots took arms; and Edward was once more marching a powerful army in order to reduce them, with a ſettled reſolution to annihilate every remnant of reſiſtance and oppoſition in Scotland, when he on a ſudden fell ſick, and died on the borders, in the ſixty-ninth year of his age.

Edward, on his death-bed, had recommended to his ſon Edward II. to proſecute the war againſt the Scots, till that country were completely ſubdued. This prince, as ſoon as he was fully ſettled on his throne,

undertook an expedition againſt Scotland in perſon. But the fortune of war here favoured the Scots in their turn. They defeated Edward II. at Bannockburn, near Stirling. The victory they obtained over him was ſo deciſive as to have been compared by hiſtorians to that won by William the Conqueror at Haſtings.

This victory ſecured the Scots againſt any farther attempt from England during that reign. But the ſucceeding king, Edward III. ſoon reſumed in his turn the deſign of conquering Scotland; and he diſplayed in his different enterprizes againſt the Scots, a degree of activity and earneſtneſs equal to that manifeſted by king Edward I.

And, to ſay the truth, the conqueſt of Scotland was a project which ambition very naturally ſuggeſted to an Engliſh king. The dread of hoſtilities from ſo numerous a Nation, ſettled in the ſame Iſland in which his own kingdom was ſituated, kept him in a ſtate of continual uncertainty or anxiety, and cramped the execution of his deſigns either for overcoming his rebellious barons and ſubjects at home, or for proſecuting his foreign wars and conqueſts. The very independency, beſides, of ſo conſiderable a part of the iſland in which he reigned, ſeemed to caſt diſcredit on his name in his own kingdom, and was a blot upon the reputation of his power and his arms, on the continent.

At the ſame time, the aim of an Engliſh king, in a war with Scotland, was not barely to wreſt a few territories from that country, but to conquer the whole abſolutely,—to reduce the king to the quality of a ſubject. This deſign was even openly avowed by the Engliſh kings; and, in order to forward the attaining of it, they had ſet up a claim (as hath been above obſerved) of liege ſuperiority and feudal ſovereignty

over that kingdom. Now, ſuch a claim produced the effect of making peace almoſt impracticable between the two kings of England and Scotland. In fact, a claim of that tendency admitted of no compromiſe, nor could be qualified in a Treaty.

Another hurtful conſequence of this claim of a liege ſuperiority in the Engliſh kingdom, was, that it united the whole body of the Scottiſh nobility into a conſtant hoſtile confederacy againſt England. For, had the claim ſet forth by the Engliſh kings ſucceeded to be eſtabliſhed, the Scots nobles muſt, from the ſtation of peers and hereditary counſellors to an independent Sovereign, have ſunk into the condition of Vaſſals to a Vaſſal. With the Engliſh Nobles they muſt have been ſatisfied to rank as Commoners. And in regard to the Engliſh Nation at large, they muſt have ſtood in the predicament of a ſubordinate inferior People.

A ſtate of perpetual war accordingly became the conſequence of the ſituation in which the two kingdoms ſtood in regard to each other. The treaties between them never were treaties of abſolute peace, but only truces for a time, during which each Nation was watching for proper opportunities, and preparing either for freſh attacks or for defence.

The kings of England were ſupported in their enterprizes againſt Scotland, by the ſuperior wealth and populouſneſs of their kingdom. The Scots were aſſiſted in their reſiſtance by the natural obſtacles with which their country abounded, by the lakes and hills with which it is interſperſed, by the deep inlets of the ſea with which it is interſected, and alſo by the really great extent of the country; all which circumſtances together made it next to impoſſible for a conqueror to penetrate every part of it. The ſeverity of the weather in that northern latitude,

during

during a conſiderable part of the year, was another kind of natural defence. And to all theſe advantages in favour of Scottiſh independence, we muſt very likely add other peculiar cauſes, ariſing from the internal polity of the Scots, and their manner of living among themſelves.

All theſe circumſtances, combined together, muſt have poſſeſſed great efficiency: for, notwithſtanding the advantage in almoſt every pitched general battle, remained deciſively, to all appearance, on the ſide of the Engliſh; yet, it happened in the iſſue that the Scots had only been diſperſed; their main ſtrength remained unbroken; and on the firſt favourable opportunities they were able to ſally again in great numbers from behind their lakes and mountains, and to drive once more their invaders out of the country.

The project of the conqueſt of Scotland, which had been begun with ſo deep a policy, as well as purſued with ſo much vehemence and ſpirit by king Edward I. was, as hath been above mentioned, reſumed both by his ſon and grandſon, Edward the Second and Edward the Third. All the Engliſh kings who ſucceeded theſe, continued to ſet up the claim of feudal ſuperiority over the kingdom of Scotland; and moſt of them endeavoured to make the ſame good by military enterprizes. The wars between the two nations continued till the reign of Edward the Sixth, whoſe uncle the duke of Somerſet, protector of the kingdom, gained the battle of Pinkies againſt the Scots: that was the laſt battle fought between the two nations before the Union of the crowns.

A lively deſcription of the laſting conteſts that took place between the Engliſh and the Scots, is contained in the following paſſage of an hiſtorian.

"And now (the reign of Edward I.) began the conteſt between the "two nations, which ſpilt more Chriſtian blood, did more miſchief, "and

" and continued longer than any wars that we read of between any
" two people in the world. For all the kings which preceded for
" three hundred years together, even to the bleſſed union of them by
" king James I. had their ſhare more or leſs in the quarrel. And
" though England, being much the greater and ſtronger nation, had
" the good fortune often to overcome, yet it was with ſo great ex-
" pence of blood, time, and treaſure, that what ſhe got coſt more
" than it was worth; the Scots being never ſo fully ſubdued, but that
" they were ſoon for recovering their liberties again, and that with
" ſucceſs. So that Providence may ſeem to have decreed no union
" ſhould be firm between theſe two nations that was made by force;
" but only ſuch as ſhould be produced by peace and the milder way of
" ſucceſſion."

It may be added, as a concluſion, that the Scots were able to the laſt to aſſert the independence of their kingdom. They had not even loſt any part of their territory when their wars with the Engliſh became to be terminated. It was rather the reverſe: for, their kingdom was advanced on this ſide of the boundary of the antient kingdom of Scotland, which is formed by the northern *Picts'* wall, which runs from the vicinity of Edinburgh towards Glaſgow; and they were poſſeſſed, at the epoch we mention, of three fourth parts of the territory that lies between that wall, and the ſouthern wall built in the vicinity of Newcaſtle by Hadrian; which territory had more than once been wholly in the poſſeſſion of the Engliſh. The limit between England and Scotland, at the time of the acceſſion of James the Firſt, ran, as it now does, in an oblique direction acroſs the ſpace contained between theſe two walls, almoſt reaching, near Carliſle, to that on the ſouth.

At length James the firſt acceded to the crown of England. He was great great grandſon to king Henry VII. by his daughter Margaret, who had married James IV. of Scotland. His grand-father James V. was conſequently nephew to king Henry VIII. and firſt couſin to the late queen Elizabeth: there was no nearer heir to the Engliſh crown.

By the acceſſion of that prince to the Engliſh crown, an end was put to the bloody ſtruggles, and the conteſts in the field, between the Engliſh and the Scots. But, at the ſame time, a ſtruggle of another kind aroſe. A controverſy now took place between the two Nations for the advantages accruing from the preſence of the common Sovereign, and the poſſeſſion of the ſeat of the government.

From the king of England now being a Scotſman, from the Scots having given a king to England, after having been able through a long courſe of years to aſſert their independence, the advantage, as to the article of honour, was undoubtedly on the ſide of the Scots. But then the real advantage, in that kind of contention, ſoon turned out to be in favour of the Engliſh, in conſequence of the common Sovereign chooſing to take up his reſidence among them: a choice to which he was led by the ſuperior importance of the Engliſh kingdom; not to mention the more regular government, and greater degree of obedience to royal authority, that prevailed in it.

Loud complaints ſoon aroſe in Scotland about the ſtagnation of their trade, cauſed by the removal of the ſeat of their government, about the draining of their money out of the country, about their being ſubjected

jected to Engliſh influence, &c. &c. The Engliſh, on the other hand, wanted to keep to themſelves all the advantages they had acquired; they were beſides ſomewhat anxious to ſhew, that, for being ruled by a Scottiſh king, they did not conſider themſelves as being become ſubjects to Scotland. The Engliſh parliament refuſed to give a declaration for naturalizing the Scots in England, thereby denying them, as far as they could, the benefits of an equal trade; and, above all, a great outcry was raiſed in order to hinder them from obtaining places of profit and truſt, and, in ſhort, preferment of any kind.—*They ſhall eat our Commons bare and make us lean*, ſoon became to be the pretended univerſal apprehenſion. Reflections on the poverty of the Scots reſounded from all quarters. And the Scots, in their turn, were not behind hand, we may ſuppoſe, in alſo deviſing national reproaches, and contumelious retaliations, on the Engliſh, among themſelves.

We are informed of ſeveral of the national reflections thrown upon the Scots in England, in the very Speeches of King James the Firſt to the Engliſh Parliament, in which he endeavours, with remarkable good-nature, to anſwer the reproaches that were caſt upon the Scottiſh Nation. He alſo earneſtly recommended, in theſe Speeches, an Union of the two Nations: moreover, endeavouring to juſtify himſelf on account of the favour he had at firſt ſhewn in his Court to ſeveral of the Scottiſh Nobility; which favour, by the by, does not ſeem to have been either very partial, or very extenſive. The following is an extract from one of his Speeches, in the year 1607. "I owe no more to the Scot-"tiſhmen than to the Engliſh; I was born there, and ſworn here; and "now I reign over both. Such particular perſons of the Scottiſh Na-"tion as might claim any extraordinary merit at my hands, I have "already reaſonably rewarded; and I can aſſure you that there is none "left for whom I mean extraordinary to ſtrain myſelf, further than in "ſuch ordinary benefit as I may equally beſtow, without mine own

" hurt, upon any ſubject of either Nation; in which caſe no King's " hand ſhould ever be fully cloſed. To both I owe juſtice and pro- " tection; which, with God's grace, I ſhall ever equally balance. For " my liberality, I have told you of it heretofore. My three firſt years " were to them as a Chriſtmas: I could not then be miſerable. Should " I have been overſparing to them, they might have thought Joſeph " had forgotten his brethren; or that the King had been drunk with his " new Kingdom. But ſuits go not ſo cheap now as they were wont. " Neither are there ſo many fees taken in the Hanaper and Petty-bag " for the Great Seal, as hath been done. If I did reſpect the Engliſh " when I came firſt, of whom I was received with joy, and came as in " a hunting journey; what might the Scottiſh have ſaid, if I had not " in ſome meaſure dealt bountifully with them, who ſo long had " ſerved me, and ſo far adventured themſelves with me? I have given " you now four years proof ſince my coming; and what I might have " done more for raiſing the Scottiſh nation, you all know. The longer " I live, the leſs cauſe I have to be acquainted with them; and ſo the " leſs cauſe of extraordinary favour towards them."—From the above extract the reader will perhaps conclude that ſufficient juſtice has not been done to James the Firſt, either as a Speaker, or a Writer.

However, notwithſtanding the ſpeeches and exhortations of James, the Engliſh Parliament continued ſullen and obſtinate; and that Prince at length found he had no other means to aſſiſt his Scottiſh ſubjects, except his prerogative, and his perſonal power to grant preferment, and privileges reſpecting trade; which power, in thoſe days, was under no limitation in regard to individuals. To which it may be added, that he cauſed the Judges to give a declaration, importing, that the *poſt-nati* of Scotland, that is to ſay, thoſe perſons who were born in that Kingdom after the acceſſion of the King to the Engliſh Crown, were of courſe naturalized. The Engliſh Parliament had ſhewn a reluctance to declare even that.

It

It may, at the ſame time, be mentioned, as being ſome juſtification of the conduct of the Engliſh Parliament, that the Scots, in their anſwers or declarations concerning the propoſed Union of the two Nations, manifeſted too great a determination to adhere to their own national diſtinctions and inſtitutions.

In the midſt of this mutual national rivalſhip and oppoſition, King James enjoyed a ſecure power: each Kingdom reciprocally ſupplying the means of keeping the other in awe and ſubjection.

The Engliſh would not, perhaps, have lived ſo quiet as they did, under a King that had been ſent them from a Nation whom they profeſſed to deſpiſe, if that King had not at the ſame time derived a capital perſonal weight among them, from the proſpect of the aſſiſtance of that ſame Nation, who was ſettled on their borders, in the ſame Iſland with themſelves.

And the turbulent anarchical ſpirit that had ever diſtinguiſhed the Scots, muſt needs have been greatly repreſſed by a ſenſe of the vaſt increaſe of the perſonal power of their King; who, it muſt be at the ſame time confeſſed, could not be reproached with having been wanting in his endeavours to ſerve their Nation at large. An idea of the eaſy manner in which the King of Scotland was now able to govern his native Kingdom, may be formed from the following paſſage, which is extracted from the ſame Speech above quoted.

"This I muſt ſay of Scotland, and I may truly vaunt it: here I ſit, "and govern it with my pen: I write, and it is done. And, by a "Clerk of the Council, I govern Scotland now, as others could not "do by the ſword."

The reign of Charles I. exhibited a ſcene quite different. The ſpirit of reciprocal national oppoſition gave way, in each Kingdom, to concerns of another Nature. An union was now formed between the

Engliſh and Scottiſh Nations: it was at the expence of the Royal Authority.

Hiſtorians have obſerved that the great internal change of circumſtances that had taken place in England, about the times of Charles the Firſt, had rendered the ſituation of the King very difficult; but they have not taken ſufficient notice how much this difficulty was farther increaſed by the acceſſion of another Kingdom. To have two Kingdoms to manage at once: the one (Scotland) full of the ſpirit of turbulence and reſtleſsneſs,—and the other perfectly well diſpoſed to imitate the example,—was a taſk infinitely beyond the ſkill of Charles ſucceſsfully to compaſs.

An union, as hath been above obſerved, was formed between the two Nations, againſt that King. And he may be ſaid to have been himſelf at ſome pains to bring it about.

The Scots well informed of the diſcontents that prevailed in England, where no Parliament had been called for above ten years, and being even ſecretly invited from that kingdom, roſe in arms firſt: this was in the year 1639.

They roſe again in the year 1640.

The Engliſh Parliament, the ſame which was afterwards denominated the *Long Parliament*, was at that time called. The deſign of the King in ſummoning that Parliament, was to obtain aſſiſtance againſt the Scots. But the Parliament, when it met, ſided with them. They voted pay to the Scottiſh army. And it was while that army lay encamped in the Northern Counties of England, and in a manner under the protection of the cannon of the Scots, that the Engliſh Parliament obtained to be declared perpetual,—that the Earl of Strafford and Archbiſhop Laud were impeached,—and thoſe proviſions in general were made (ſome excellent, ſome otherwiſe) to which Hiſtorians have given the appellation of the *famous motions of the year* 1641. It was alſo during

ing the ſame period of the preſence of the Scottiſh army, that the Engliſh Parliament began thoſe preparations which were ſoon to enable them to riſe up in arms in their turn.

In the year 1642, the civil war began in England. The Scottiſh army, who had been paid off the year before, but had never been completely diſbanded, again aſſembled and accepted Engliſh pay. They marched into England. And as that army had, in the preceding years, ſerved to countenance the political meaſures of the Engliſh Parliament, ſo it now countenanced their military enterprizes, and ſtruggles in the field.

The King, being driven by ill ſucceſs to extremity, took his refuge into the army of the Scots, who lay encamped at Newark. But they proved true to their Engliſh Confederates, and delivered up the King's perſon to them.

The events that followed are well known. The King loſt his life at Whitehall. The Scots, in the iſſue, quarreled with their Engliſh Allies, or rather with the prevailing party in England. They attempted, after the death of Charles the Firſt, to give aſſiſtance to his Son Charles the Second, whom they proclaimed King of Scotland. They maintained a doubtful and bloody conflict for a few years. And they were at length brought under ſubjection to the Engliſh Commonwealth.

In the year 1660 Charles the Second was reſtored. The ſpirit of national oppoſition between the two Kingdoms, became to be again in ſome degree revived in his reign. And it contributed to ſecure that King's authority, in the ſame manner as it had formerly ſtrengthened the power of James the Firſt. The family prepoſſeſſions of Charles the Second had like, however, to have led him into wrong ſteps and dangerous miſtakes in his government of Scotland: the Earl of Lauderdale pointed out to him what his policy ought to be, in the management of his two diſtinct Kingdoms.

James

James the Second had ſo little wiſdom as again to unite the two Nations into ſerious complaints againſt him. His very remarkable want of policy proved fortunate to both Countries; and he was expelled without any blood being ſhed.

The Engliſh Parliament raiſed William the Third to the Throne of England. And ſo ſincere were the Scots in their conjunction with the Engliſh at that time, ſo completely did they forget their national rivalſhip and hatred of Engliſh influence and Councils, that they accepted, without heſitation, that King whom the Engliſh Nation pointed out to them.

The Preſbyterian Sect and party, in Scotland, in fact decided every thing in favour of William. The continued prevalence of that party, and their remarkable zealous ſpirit, during the whole reign of that Prince, proved very uſeful for ſecuring his power, firſt in Scotland, and conſequentially in England. The favourable ſituation of affairs in Scotland enabled him in great meaſure, no doubt, to ſurmount the great difficulties he experienced from the reſtleſs ſpirit by which his Engliſh Kingdom was influenced, combined with the dangerous claim that continued to exiſt upon his Crown, and the ſmall degree of love that was in general borne to his perſon.

In the reign of Queen Anne, the ſpirit of national antipathy and rivalſhip again got uppermoſt in both kingdoms. One advantageous circumſtance at leaſt had followed from the miſconduct of the Kings of the Houſe of Stuart; which was, that the ſpirit of antipathy between the two Nations had been in great meaſure ſet aſide, or at leaſt had never been carried to any degree of activity, except perhaps during the firſt years of the reign of James the Firſt in England. But ſoon after the acceſſion of Queen Anne, the notions of national rivalſhip broke out afreſh, with a degree of vehemence ſuperior to any thing that had taken place in any former period.

The

The ſpirit of national oppoſition had even began to be manifeſted during the laſt years of the reign of William the Third. It had been very remarkably exerted in Scotland in the eſtabliſhment they made of that Company that was to form a Settlement at Darien, on the Spaniſh Main. The avowed deſign of that Company was to enable Scotland to rival the trade and wealth of England in a few years. The project completely miſcarried, after endangering a war with Spain and other European powers, beſides being productive of much heat and controverſy between the two Nations.

Several circumſtances concurred in Queen Anne's reign to invite the exertions of the national oppoſition. In the firſt place, it muſt be confeſſed that the complaints of the Scots, conſidered as a diſtinct Nation and Kingdom, were not without ſome foundation: the removal of their Government from its ſeat among them, was certainly attended with prejudice to individuals. In the ſecond place, that party in Scotland who began about thoſe times to build their claims to popularity, on their oppoſition to England and Engliſh councils, were encouraged both by the conſiderable reſiſtance which the Government in England was then beginning to meet from the Jacobite party, and by the great need in which it ſtood of the co-operation and aſſiſtance of the Scottiſh Parliament.

In order to underſtand what is here ſaid of the ſituation of the Engliſh Government in regard to the Scottiſh Parliament, it is to be obſerved, that the Act by which the Crown had been ſettled upon Queen Anne, reached no farther than that Princeſs and her iſſue. After the death of the Duke of Glouceſter, her only remaining child, it became neceſſary to make another Settlement. An Act to that effect was accordingly paſſed about the end of the reign of King William the Third, by which the Crown was ſettled on the Houſe of Hanover. But no ſuch Act was paſſed in Scotland. A proviſion for ſettling the

Scottiſh

Scottiſh Crown was yet to be made in the beginning of the reign of Queen Anne; nor was any Settlement made in fact untill the Act of Union.

This ſituation of affairs gave great advantages to that party in Scotland who were at the head of the oppoſition againſt England. The Scottiſh Parliament were, in reality, poſſeſſed of a power legally to introduce again the expelled family of Stuarts into Great Britain, and procure a formidable eſtabliſhment to it. The Son of James the Second, backed with the ſtrength of a Kingdom that had, for a long ſeries of years, proved a match for England, ſupported by foreign auxiliaries, and abetted by one half, perhaps, of the Engliſh Nation themſelves, might have been able, after a great effuſion of blood, to enrich his followers with Engliſh forfeitures.

The danger was great. It was moſt ſeriouſly dreaded in England at the time. And the ſenſe the Scots entertained of the ſituation of public affairs and of their advantages, cauſed the ſpirit of oppoſition to England, and of national rivalſhip, to be carried, in Scotland, to a degree of vehemence, as hath been above mentioned, much beyond any thing that had taken place in any former reign. The following extract from Biſhop Burnet's *Hiſtory of his own Time*, will give the reader an inſight into the general diſpoſition of the People in that Country, at the period we mention.

"A national humour of rendering themſelves a free and independent "Kingdom did ſo inflame them, that, as there were a majority of "ſeventy in Parliament on their ſide, they ſeemed capable of the moſt "extravagant things that could be ſuggeſted to them *..... All was "carried with great heat and much vehemence; for, a national hu-"mour of being independent on England, fermented ſo ſtrongly among "all ſorts of people without doors, that thoſe who went not into every

* Burnet's Hiſtory of his own Time, Vol. V. p. 164.

"hot motion that was made, were looked on as the betrayers of their "Country; and they were ſo expoſed to popular fury, that ſome of "thoſe who ſtudied to ſtop this tide, were brought in danger of their "lives. The Preſbyterians were ſo overawed with this, that though "they wiſhed well to the ſettling the ſucceſſion, they durſt not openly "declare it. The Dukes of Hamilton and Athol led all thoſe violent "motions; and the Nation was ſtrangely inflamed *."

This diſpoſition of men's minds in Scotland alſo became to be farther encouraged by the doubtful ſtate of the war in which England was at that time engaged againſt France, which, in the beginning of it, was looked upon as doubtful, and very dangerous, on account of the conſequences which misfortunes might have produced at home, and of the aſſiſtance which France, if ſucceſsful, might have been able to give to the Stuart party.

The Leaders of the Scottiſh oppoſition came at once to meaſures of great violence. A Parliament was ſummoned in Scotland in the year 1703. A letter from the Queen was read, deſiring them to provide for the ſettling of the Crown in their Country, in caſe the Queen ſhould leave no iſſue; and the Settlement that had paſſed in England was propoſed.

Inſtead of adopting this, the Scottiſh Parliament reſolved that proviſions ſhould firſt be made for ſettling the rights and liberties of the Scottiſh Nation, independent on Engliſh intereſts and councils; and moreover declared, that, until theſe proviſions were agreed upon, the Succeſſor to the Scottiſh Crown ſhould *not* be the ſame Perſon that was poſſeſſed of the Crown of England: they alſo added other articles to their regulations, by which the whole authority of the Crown in Scotland was to be transferred to the Parliament, or to a Council named by it, which was to govern during receſs.

* Vol. V. p. 227.

The Act was rejected by the Queen.

It was resumed the following year (1704) with much the same clauses, especially in regard to the settling of the Crown. The Ministry in England, overawed by the situation of affairs both in Scotland and abroad, and in England too, advised her Majesty, at that time, to give her consent to the Act. None of those great successes, that ended afterwards in crushing the power of France, had been yet obtained at the time of passing the Act of the Scottish Parliament we mention *.

This Act was called in Scotland the *Act of Security*. It was in reality a Bill of exclusion against the Possessor of the Crown of England. Provisions of an actually hostile nature had been also added to this Act; for, by one of the articles, an order was made for arming and training the Subjects, and putting them in a posture of defence.

The English Parliament having met not long afterwards, the Lords addressed the Queen, "That she would give orders for fortifying *New-*
"*castle, Berwick, Carlisle*, and *Hull*, and that the Militia of the four
"Northern Counties might be provided with arms; and that a com-
"petent number of regular troops might be kept upon the northern
"borders of England, and in the north of Ireland †; and that the
"laws might be put in execution against the Papists."

A Bill was passed a few weeks afterwards in both Houses, which was intitled, *An Act for securing the Kingdom of England from the dangers that might arise from several Acts lately passed in the Parliament of Scotland.*

By it it was enacted, that the Natives of the Kingdom of Scotland should be reputed as Aliens, unless the Succession to the Crown of Scotland be settled on the Princess Sophia of Hanover, and her Heirs, being Protestants. Provisions were also made for intercepting the trade from Scotland to those Countries that were at war with England: (it may be observed that the Scots had expressly passed an Act for

* See Burnet, anno 1704. † Being exposed to invasion from Scotland.

Trade

Trade with France); and Chriſtmas of the following year was the day fixed for the Act to take place, unleſs, as is above ſaid, the Scots choſe before that time to ſettle the Crown on the Houſe of Hanover. The ſame Act alſo empowered the Queen to name Commiſſioners for a Treaty of Union.

By the two oppoſite Acts of the Engliſh and Scottiſh Parliaments that have been above deſcribed, war was in fact declared between the two Countries: only actual hoſtilities were poſtponed to the enſuing year; the militia was, in the mean time, training on both ſides; and ſhips of war were moreover fitting out in England, for cruizing againſt the Scots trade.

Wiſe and moderate Men in both Countries began to wiſh more ſeriouſly than had been done at any former period, for a more perfect union of the two Nations than that which the union of the two Crowns had been able to effect.

It is at the ſame time to be obſerved, that a very great change had now taken place in the ſituation, both of Engliſh affairs, and of the Engliſh Government. The very remarkable and deciſive ſucceſſes which the Engliſh armies, and thoſe of their Allies, had met with on the Continent, completely diſcouraged the diſaffected party at home, and operated as a bar to that faction in Scotland who were for running to extremities againſt England. The armed power of England, both by ſea and land, had been carried to ſuch a prodigious degree, in conſequence of the important war ſhe was engaged in, that Scotland, as a diſtinct rival Kingdom, had no proſpect of ſucceſsfully oppoſing it by military exertions. France, from whom Scotland might have expected aſſiſtance, was now totally fallen from that ſituation in which ſhe ſtood a few years before, and unable to ſpare any competent force from the defence of her own frontiers. All the other powers of Europe, within reach of aſſiſting Scotland, were in cloſe alliance with England. That party in Scotland who headed the oppoſition againſt England, and had

exerted themſelves for ſome years in obſtructing every Engliſh meaſure, and defeating the project of an Union, was therefore under a ſerious neceſſity to give way. The propoſals made by Queen Anne, for appointing Commiſſioners from both Countries to treat of an Union of the two Kingdoms, were now liſtened to; and an Act for that purpoſe was paſſed, after ſome ſtruggle, in the Parliament of Scotland, in the ſame manner as it had been before in the Engliſh Parliament.

The firſt and eſſential object for which the Treaty we mention was entered upon, was the Union of the two Kingdoms, by incorporating the two Parliaments into one. James the Firſt is mentioned by Hiſtorians, in looſe general terms, as having endeavoured to effect an Union of the two Nations. Yet, it does not ſeem that he meant any thing more than a reciprocal naturalization of the Subjects of both Countries: no mention was made by him of an incorporation of the two Parliaments together: it might even be proved, perhaps, that he did not wiſh for it. The only actual propoſal for ſuch an incorporation, previous to the year 1706, was made in the year 1670, in the reign of Charles the Second. Commiſſioners from England and from Scotland met at Whitehall, to treat on that ſubject; but as there was no great earneſtneſs on either ſide, nor in the King himſelf, to ſee the project ſucceed, it was ſoon given up. The Scots made too high demands: and the Engliſh Commiſſioners did not propoſe any medium or abatement.

King William had ſome thoughts of an Union between the two Kingdoms. He probably meant an incorporation of the two Parliaments. But he was not very anxious to bring this Union to a concluſion; he having only mentioned it in one of his ſpeeches, as a thing proper to be done at ſome future time.

In the very beginning of the reign of Queen Anne the project was again taken up. In her firſt ſpeech after her ſucceſſion (in the beginning of the year 1702) ſhe recommended an Union of the two Kingdoms; and an Act for empowering her to name Commiſſioners for England

land was paſſed. The prevalence of that violent party ſpirit that has been above deſcribed, continued to obſtruct, eſpecially in Scotland, the accompliſhment of the deſign for ſome years. At length, in the year 1706, effectual ſteps were entered upon for framing a Treaty; and Commiſſioners met at Whitehall for that purpoſe. They were thirty-two from each Country; all named by the Queen: the Scottiſh Parliament having given up the claim they had till then inſiſted upon, to name their own Commiſſioners.

Theſe Commiſſioners agreed about articles. Theſe Articles were ratified by the two Parliaments of England and of Scotland; and formed the Treaty by which the two Kingdoms became *United*.

The Articles, in favour of the Engliſh in that Treaty, were,

I. That by which it was enacted that the Engliſh Parliament ſhould be ſole Parliament for Great Britain, and that the Repreſentatives of Scotland ſhould come and incorporate with it.

II. The Crown of Scotland was ſettled on the Houſe of Hanover, being at the ſame time for ever annexed to the Crown of England.

III. Scotland was made ſubject to the paying, in future, the ſame taxes as were to be laid in England (ſome limitations excepted).

The Articles, in favour of Scotland, were,

I. A complete and perpetual naturalization of Scottiſh ſubjects in England.

II. The whole tax upon land, in Scotland, collectively taken, was ſettled for ever to be only the fortieth part of the amount of the ſame tax in England (the exact rate is as 48 to 2000).

III. The Scots were allowed to ſend forty-five Repreſentatives to the Parliament of Great Britain, and ſixteen to the Houſe of Peers: in all ſixty-one. It may be obſerved that Edward the Firſt, during the ſhort time he was maſter of Scotland, and during the forced Union he then made of the two Kingdoms, had allowed the Scots only ten Repreſentatives: that number was accordingly ſent: the Reader may ſee their

names in the *Parliamentary Hiſtory* of England. And the Engliſh Commonwealth had allowed the Scots only thirty Repreſentatives, when a ſecond forced Union of Scotland took place, after the conqueſt that was made of it by Cromwell and his Generals.

IV. The Peers of Scotland were allowed to enjoy in England all the privileges of the Engliſh Peerage, and precedence over all Peers of Great Britain created after the Union: the right of voting in Parliament, and of ſitting upon the Tryals of Peers, excepted; theſe latter rights being confined to the ſixteen Deputies ſent by the Scottiſh Nobility.

Since the Treaty of Union, ſome farther regulations concerning Scotland have been made by the Parliament, which it may not be amiſs to mention here.

In the firſt Place, the Privy Council of Scotland was aboliſhed ſoon after the Union: it had been left in the power of the Parliament of Great Britain to continue, or ſet it aſide.

About four years after the Union, it was reſolved in the Houſe of Lords, that Scottiſh Peers, created Peers of Great Britain ſince the Treaty, were not to be admitted to ſit, or vote, in that Houſe: the Duke of Hamilton, who was created Duke of Brandon in the year 1711, was accordingly not allowed to take his ſeat. The reſolve was grounded on the ſtrict letter of the Act of Union: only ſixteen Scottiſh Peers were to vote. This conſtruction had ſome ſpirit of jealouſy in it: it put the Scottiſh Peers in a more diſadvantageous ſituation in regard toreceiving honour from the Crown than Scottiſh Commoners, who were undiſputably allowed to be capable of being called to the Houſe of Peers by the Crown. This reſolve was altered a few years ago.

The eldeſt Sons of Scottiſh Peers were alſo to be excluded from a ſeat in the Houſe of Commons. A vote to that effect was paſſed in the year 1710: it was grounded on the excluſion that was alſo formerly given

given to them in the Parliament of Scotland. This vote has been ſet aſide not many years ſince.

In the year 1709 an Act was paſſed for making treaſons and the tryal of them the ſame in Scotland as in England. The law of Scotland was more arbitrary. By the Act abovementioned a Grand Jury is to find the Bill, and the Petty Jury are to be unanimous in their verdict. The law is not ſo in Scotland in caſes different from treaſon: they have, for inſtance, no Grand Jury in caſes of ordinary criminal proſecutions.

Laſtly, the *Heretable Offices, Superiorities, Heretable Juriſdictions*, and *Juriſdictions for Life*, which conferred a power of life and death on a very great number of petty Lords and Chieftains, in Scotland, in their reſpective diſtricts, were ſet aſide by an Act of Parliament paſſed in the year 1746. The continuation of theſe tyrannical perſonal privileges and Juriſdictions, had been expreſsly ſtipulated in the Act of Union: it being the 20th Article of it. However, the Parliament thought that the juſtice and national importance of the proviſion were to juſtify the infraction made by it to the Treaty of Union. The oppoſition raiſed by the Proprietors of theſe Juriſdictions was overruled: and they were compelled to receive a compenſation in money: it was ſaid that only their property was meant to be ſecured in the Act of Union. Moſt of the People of Scotland might be ſaid, in fact, to have aequired no individual freedom, nor even advantage, by the Treaty of Union, until the paſſing of the Act we mention. The feudal Tenures of land by *ward-holding* and *Knight-ſervice*, together with their *incidents* and *caſualties*, which were another ſource of oppreſſion upon a numerous claſs of individuals, were alſo aboliſhed at that time.

The general advantages which accrued to each Kingdom, reſpectively, from the Act of Union, may be ſummed up as follows:

England, by the Treaty of Union, acquired the advantage, That an extenſive inlet and ſettlement for foreign enemies was ſhut. Land hoſtilities

tilities and warfare were at the ſame time put an end to, through the whole iſland. And England found herſelf fenced by the Sea on every ſide.

At the period itſelf in which the Union took place, England derived from it the capital preſent advantage of excluding from every part of Great Britain, a family that had a moſt dangerous claim upon her Crown: a claim which continued to be reſpected by a very numerous part of her own People. The Act of Union was to prevent the renewal of thoſe ſcenes which had attended the ſtruggles between the Houſes of York and Lancaſter.

Scotland, being likewiſe conſidered as a ſeparate Kingdom, acquired by the Act of Union, all the advantages of Engliſh trade and navigation. She cannot, perhaps, be ſaid to have been gainer in regard to the rate according to which ſhe bears the burden of public taxes; though the caſe is generally repreſented ſo. Scotland now pays the ſame extenſive exciſes, cuſtoms, and ſtamp duties, that are paid in England. She is eaſed in regard to the land-tax; but that is no extremely conſiderable object, in compariſon to the whole of thoſe abovementioned. It may at the ſame time be ſaid, moſt likely with truth, that the increaſe of both their internal trade and their navigation, does more than enable Scottiſh ſubjects to bear their increaſed burden.

Scotland has acquired the ſame advantages as England, as to perpetual peace within the whole Iſland in which ſhe is ſituated. The aboliſhment of the ſpirit of rivalſhip againſt the neighbouring Kingdom, may alſo perhaps be reckoned as an advantage in favour of Scotland. At the time when the Union was effected, England had ſo mightily increaſed her national power and ſtrength, in conſequence of the changes that had of late years taken place in the politics of Europe, that Scotland, as a ſeparate Kingdom, was left behind, out of all proportion in that reſpect. A ſpirit of national ſtruggle and oppoſition,

and

and notions of rivalſhip, could not, in future, be productive of happineſs to any individual in Scotland.

And laſtly, the Scots, through the Act of Union, have gained the advantages of greater individual freedom, and of a better Government among themſelves.

As a concluſion it may be added, that the Union of the two Nations was followed by a circumſtance very favourable to the full ſettlement of that new model of Government which was introduced by it. A few years after the Treaty took place, Great Britain became at peace with France and the whole world, and continued ſo till about the year 1740, that is for thirty years; two conteſts of ſhort duration with Spain excepted. From the year 1740, to the year 1775, or thereabouts, when the American ſtruggles began, Great Britain was engaged in no foreign war, but what ſerved to ſtrengthen her internal Government, inſtead of weakening it. This was a ſpace of full ſixty years ſince the Union: a ſpace of time long enough, though not perhaps too much ſo, for rooting out ſuch violent prepoſſeſſions and affections for certain models of Government, as are chiefly grounded on party-ſpirit.

I R E L A N D.

IRELAND forms the third branch, or limb, of the Britiſh dominions in Europe; and though a ſeparate Iſland, lies ſufficiently near Great Britain, to be conſidered as an adjacent Country.

There ſeems, however, to have been little intercourſe between Ireland and England, previous to the reign of Henry the Second. There is no account left of any Engliſh Settlement having been made in that Iſland before that period; though ſeveral Colonies of Norwegians and Danes, were found, who had formerly ſettled on different parts of the coaſt. They chiefly inhabited the environs of Waterford and Limerick, and were in ſubſequent times called *Oſtmen* by the Engliſh.

In the reign of the Prince abovementioned, Henry the Second, an attempt on Ireland was made for the firſt time, from the Engliſh coaſt. Hiſtorians have given to the expedition from England that then took place, the name of Conqueſt of Ireland: they have aſcribed the honour of it to King Henry the Second; and have moreover conferred upon him and his Succeſſors from that period, a rightful claim to the dominion and obedience of Ireland and its Inhabitants.

The fact is, however, that only a Settlement was made on the Iriſh coaſt, of the ſame nature as thoſe which have been formed ſince on the coaſts of Africa, Aſia, or America. The firſt Adventurers were two private Gentlemen, Fitz Stephens, and Fitzgerald. They croſſed the Iriſh channel with about three hundred men; and they were ſoon after followed by Earl Strongbow, with twelve hundred more.

If the Iriſh had been united under one King, or common Leader, as the Scots were, when Edward I. attempted the Conqueſt of Scotland,

or

or if the Engliſh adventurers had, on their firſt landing, alarmed the whole Iriſh Nation, by loudly proclaiming a deſign of univerſal indiſcriminate invaſion and dominion, as the ſame Edward the Firſt did, it is not to be doubted that they would ſoon have been overpowered by numbers, in the ſame manner as the Engliſh garriſons left by Edward the Firſt in Scotland, were overpowered and driven out of the Country.

But Ireland, at the time we are ſpeaking of, was divided into a very great number of independent diſtricts, that had little more connection with each other than what aroſe from mutual neighbourhood. And thoſe Iriſh who lived on the Northern or Weſtern ſide of the Iſland, did not care much who inhabited, or made ſettlements, on the ſouthern or eaſtern coaſt.

The Engliſh adventurers, beſides, found friends in the Country to whom they were welcome, as hath been the caſe in all the Settlements made by Europeans in remote parts of the World: they even had been expreſsly invited by an Iriſh Chieftain who was poſſeſſed of the oppoſite ſhore (his name was Mac-Dermot): they were to aſſiſt him in a war in which he was then engaged; and Earl Strongbow was to marry his daughter.

The military operations of the little Engliſh army, and of the Iriſh Ally who had invited them over, proved ſucceſsful; and the Adventurers were rewarded for their aſſiſtance by having lands allotted to them in the Country. They formed a Settlement, or Colony, in the neighbourhood of Dublin.

The report of the advantages which Fitz Stephens, Fitzgerald, and Earl Strongbow, had met with, reached England. A few more adventurers followed, in order to partake of the ſucceſs; and among them at length, was no leſs a perſon than King Henry the Second himſelf, who choſe to come over, to give countenance to the Colony formed by his Subjects. This Prince proved ſtill more welcome to the Iriſh than

the Adventurers who had preceded him. As he had brought only five hundred men with him, he cauſed no alarm. The Iriſh Chieftains were flattered to ſee ſo important a Man as the King of the great Iſland that lay on the oppoſite ſide of the channel, to have come among them to pay them a viſit. They reſorted to him from ſeveral parts of the Country, and were proud to make alliance and treaties of amity with him: ſome even agreed to pay him an annual tribute, for the honour of his future countenance and correſpondence. It may be obſerved, that Henry the Second gave the Iriſh Chieftains the title of *Kings*; and this ſtile continued to be uſed by his Succeſſors ſo late as eighty years afterwards, if not later: the following expreſſions are to be found in a letter ſent by Henry III. to one of theſe Iriſh Chieftains. "The King "to King Thomond, greeting." *(Rex, Regi Thomond, ſalutem.)*

Henry the Second, after ſtaying about five months in Ireland, withdrew, well ſatisfied with his expedition, and leaving his Subjects in poſſeſſion of ſome diſtricts on the eaſtern coaſt. Such was the firſt ſettlement made by the Engliſh in Ireland, and the firſt origin of the preſent dominion of the Engliſh Crown over that Country.

From the time we mention, till the 36th year of the reign of Edward the Third, that is, during a ſpace of an hundred and fifty years, no attempt was made from England to extend the poſſeſſions that had been acquired in Ireland. At the period we mention, the Engliſh Settlement, that is, that part of it which was governed by the Engliſh Law, and recognized the King's authority, was not extended beyond what it was in the beginning. It was rather the reverſe; and the *Engliſh Pale*, as it was called, only reached, at the time of King Edward III. to a few miles around Dublin; though an hundred and fifty years, as is aboveſaid, had elapſed ſince the firſt ſettlement.

This ſtraitening of the Engliſh Pale had been owing to two cauſes. In the firſt place, the hoſtilities committed by the Settlers againſt the diſ-

tricts by which they were ſurrounded, had raiſed an alarm and a confederacy againſt them, which the firſt Adventurers did not meet with.

In the ſecond place, the ſucceſſors to thoſe perſons of Engliſh blood, or race, who had obtained lands at ſome diſtance up the Country, had gradually renounced their dependance on the primary Settlement, as they ceaſed to want its ſupport: which has been the caſe with all Colonies, whenever they have ceaſed to derive advantage from a connection with the Mother Country: and they had even in proceſs of time adopted the dreſs, the language, and the laws, of the native Iriſh.

Theſe Engliſh families, now transformed into Iriſh inhabitants, were moreover particularly jealous to oppoſe the extenſion of the *Pale*, and the farther ſpreading of the Engliſh law. They held their lands by Iriſh tenures, and by the *Brehon* or Iriſh law; which, in regard to matters of deſcent, totally differed from the law of England. Now, if the Engliſh law had been ſuffered to prevail, they muſt have been diſpoſſeſſed, and compelled to give up their lands to other perſons. In order to ſecure themſelves ſtill farther, and more completely diſclaim any connection with the Engliſh law, they had even aſſumed Iriſh ſurnames, ſuch as *Mac-Yoris*, *Mac-Morice*, *Mac-Gibbon*, &c.

At the period we have abovementioned, the 36th year of the reign of King Edward III. an expedition into Ireland was projected in England. The Leader was Lionel, Duke of Clarence, ſecond Son to the King. The motive that induced this Prince to undertake the expedition, was this. He had married the heireſs to William Bourke, ſurnamed the *Red Earle*, the greateſt landholder among thoſe perſons of Engliſh blood who had ſettled up the Country, and rendered themſelves independent on the Engliſh Pale and Government. After the death of the Red Earle, the next male heirs had claimed his eſtates, conformably to the Iriſh law, and had parcelled them among themſelves; which was alſo conformable to the ſame law. Duke Lionel claimed theſe

ſame

ſame lands in right of his Wife, grounding his claim on the Engliſh Common law; and his coming over to Ireland, was in order to expel that Tribe, or *Sept*, or Family, or Clan, who had put themſelves in poſſeſſion of them.

The expedition was, in fact, undertaken againſt the Iriſh law, and all thoſe perſons of Engliſh blood who had adopted it. Duke Lionel even uſed ſo little policy as openly to avow his hoſtile intentions in general, and forbade all perſons of Engliſh race to approach his camp. He accordingly met with an univerſal oppoſition out of the limit of the Engliſh Pale; and as he had only brought an inconſiderable force with him, he was compelled to withdraw. Before he finally left the Country, however, he held a Parliament at Kilkenny, while he was encamped there; and got that famous Statute to be paſſed which is known by the name of the *Statute of Kilkenny*.

This Statute is very remarkable: the above account of Duke Lionel's expedition has been purpoſely given, in order to have an opportunity to lay the principal articles of that Statute before the reader: it ſhews that tyrannical laws are an old evil in Ireland.

It was recited in the preamble, that the Engliſh of the Realm of Ireland, before the arrival of Duke Lionel, were become mere Iriſh in their language, names, apparel, and manner of living; had rejected the Engliſh law, and ſubmitted to thoſe of the Iriſh, with whom they had united by marriage-alliance, to the ruin of the general weal. It was therefore enacted that marriage, and goſſipred, with the Iriſh, ſhould be puniſhed as high treaſon. If any Man of Engliſh race ſhall uſe an Iriſh name, the Iriſh language and apparel, or ride without ſaddle, &c. his tenements ſhall be ſeized. If any one claims the Iriſh or *Brehon* law, he ſhall be adjudged a Traitor. It was made penal for perſons of Engliſh race, to allow the Iriſh to *creaght* or graze upon their lands; or to entertain any of their Minſtrels, Rhymers, or News-tellers, &c. &c.

This

This Statute of Kilkenny has been greatly praiſed by Sir John Davis, and other Writers, on account of its tendency to *reform* the *degenerate* Engliſh: this was the uſual appellation given to thoſe Engliſh who, after ſettling up the Country, had adopted the Iriſh laws and cuſtoms. The fact is, that it was no more than a peeviſh and revengeful expreſſion of the reſentment Duke Lionel felt from the oppoſition he had met with, and the loſs of thoſe lands he had come over to claim. The Statute was not to have any obedience paid to it, out of the ſmall compaſs of the Engliſh Pale. It was, in reality, a declaration of perpetual war againſt thoſe perſons and Chieftains of Engliſh race, who were ſettled up and down the country, and had been, more or leſs, neceſſitated to adopt the Iriſh cuſtoms and laws.—Thus ended the ſecond expedition into Ireland.

The third expedition was undertaken not long afterwards, by King Richard the Second. This Prince landed in Ireland with a very conſiderable army: but he does not ſeem to have entertained any ſerious deſign; any deſign, in ſhort, except that of a ſplendid excurſion and amuſement.

The Iriſh Chieftains acted in regard to Richard in the ſame manner as they had done with Henry the Second. Though they were unwilling to give up their lands and cattle to foreign adventurers, and to adopt laws which they neither underſtood, nor were uſed to, they were proud to ſee an Engliſh King among them. As Richard was willing to exhibit his greatneſs and magnificence to them, ſo, they were deſirous to diſplay their conſequence and their urbanity. They flocked to the King's Court from all quarters. No leſs than ſeventy-five independent Iriſh Chiefs the King admitted to his perſon, and entertained with great ſplendour. The Earl of Ormond, who ſpoke the Iriſh language, and Henry Caſtil, who had married an Iriſh Lady, officiated as Interpreters. Four of the Chieftains, *O'Nial*, *O'Connor*, *O'Brien*, and *Mac-Murchad*, were ſeated at the King's table, clothed in robes of

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ſtate. Some were knighted. They, at firſt, objected to the offer; alledging that every Iriſh Lord, or King, was knighted, or made a warrior of, when ſeven years of age: but being told that they were now to be made ſo, conformably to the practice adopted among all the famous Nations of Europe, they ſubmitted to the ceremony with much gratitude.

It is to be obſerved that all theſe favours were ſhewn only to native Iriſh Chieftains. During thoſe feaſts and entertainments which the King continued for ſome time to carry on at Dublin, the *degenerate* Engliſh, great and little, kept at diſtance: none durſt come near Dublin or the Court. They were under the terrors of the Kilkenny Statute. However, the young King was not come over with a deſign to ſhew ſeverity to any perſon. He obſerved, with good-nature, in regard to the *degenerate*, or *rebel*, Engliſh, that they had poſſibly received but too much provocation; which had driven them to ſeek for the alliance of the Iriſh. After ſtaying ſome months, Richard thought of putting an end to his magnificent journey; and he departed, without having increaſed the Engliſh Pale and the ſphere of the Engliſh laws, or having manifeſted any intention about it.

From the reign of Richard the Second no expedition was attempted from England into Ireland, till the reign of Queen Elizabeth; in the latter years of whoſe reign Ireland was univerſally ſubdued by force, as will be mentioned hereafter.

During this whole period, which contained about two hundred years, a conſtant ſtate of warfare continued to take place between the Engliſh Colony or Pale, and the whole Country beſides; with ſome intervals however of intermiſſion, as to actual hoſtilities.

The Colony were at conſtant war with the native Iriſh, in conſequence of their colonial laws and proviſions, according to which the *Iriſh* were conſidered as perpetual Outlaws. The Courts of Juſtice erected within the Pale, allowed them no remedy in caſes of treſpaſſes committed

committed againſt them; nor did they adjudge puniſhment for ſlaying a native Iriſh *.

The Colony were in a ſtate of perpetual war with the *degenerate* Engliſh, in conſequence of the Statute of Kilkenny, which, as hath been above recited, had made ſuch *degeneracy* High Treaſon and Death.

The impotency of this Statute, and in general the impolicy of the meaſures purſued by the Directors of the Colony affairs, both in regard to the native Iriſh, and the degenerate Engliſh, ſoon became conſpicuous. An alliance and confederacy took place between theſe, of a cloſer nature than formerly. And the conſequence at length was, that the Settlement became to be ſo ſtraitened, that thoſe who were poſſeſſed of land on the borders, were neceſſitated to buy peace from the ſurrounding Chieftains, having agreed to pay them an annual ſtipend, which became to be a ſettled tribute, known by the name of *Black-rent*.

Notwithſtanding its weakneſs, the Engliſh Colony continued however to exiſt,—partly becauſe it was well known, that, had an univerſal combination taken place to effect its final expulſion, it would have received ſufficient aſſiſtance from England to make the attempt both difficult and dangerous,—and partly, becauſe the Settlement was, in itſelf, equal in point of ſtrength to any of the numerous Lords, or Chieftains, who domineered over the Iſland. The Colony, in fact, continued to defend itſelf by the ſame means which thoſe Chieftains

* When a Man had been killed, and the accuſed party pleaded that the Man was an Iriſh-man, the caſe was brought to the iſſue whether the Man killed was of Iriſh, or Engliſh, race. Sir John Davies has quoted two curious Latin records. By the firſt it appears that one *Williams*, who had killed one *Roger*, obtained his *quietus*, on proving that this Roger, notwithſtanding the Engliſh name he had aſſumed, belonged to the Iriſh *Sept*, or Tribe, ſurnamed O'Hederiſcals. The other record gives the inſtance of one *Laurens*, who was ſentenced to be hanged, for killing one *Galfred Dovedal*, who was proved, on the tryal, to be of Engliſh race. See *Davies*, p. 111, 112.

uſed among themſelves: that is to ſay, by making alliance at ſome times with ſome of them, and at other times with others; whether they were Iriſh, or degenerate Engliſh: occaſionally ſetting aſide the proviſions relative to the *Iriſhry*, and forgetting the Statute of Kilkenny, as circumſtances made it neceſſary.

On the other hand, there were reaſons why the Engliſh Colony did not extend their acquiſitions, nor availed themſelves of the advantages they might have perhaps poſſeſſed to that effect.

In the firſt place, they continued to receive no aſſiſtance from England, whoſe Government was either engaged in Continental and Scottiſh expeditions, or was diſtracted at home by rebellious inſurrections, and civil wars.

In the ſecond place, the Engliſh Coloniſts began in time to quarrel among themſelves, in their own diſtrict. In the ſame manner as a diviſion had in former years been effected between Engliſh Subjects, and the degenerate Engliſh, ſo a diviſion now took place in the Colony, between Engliſh Subjects of race or blood, and Engliſh Subjects of birth, that is, thoſe who were born in England, and had lately emigrated, or rather *immigrated*, into Ireland. Their diſſentions went even ſo far, that two oppoſite Parliaments were once to be ſeen ſitting in different places, anathematizing each other, and promulgating oppoſite contradictory laws, to be obſerved by Engliſh Subjects in Ireland. It may be obſerved that ſome of the Engliſh Subjects of blood were poſſeſſed of conſiderable independent diſtricts out of the limit of the Pale, which enabled them to oppoſe by main force the Government of the Colony, and even ſometimes to attempt to call diſtinct Conventions or Parliaments. The moſt conſiderable among them were the Earls of Ormond, and of Deſmond.

The Inhabitants of Ireland had therefore, in proceſs of time, become to be divided into four different Claſſes:—The *Iriſhry*, or native Iriſh; the degenerate Engliſh; the Engliſh Subjects of blood, ſome of them,

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as hath been above obſerved, poſſeſſed of conſiderable independent power;—and the Engliſh of birth, who were chiefly ſupported by the Government.

In the midſt of the complicate quarreling, and promiſcuous multiplied warfare, that took place between theſe four Claſſes, or their Leaders, the Engliſh Colony, or Settlement, continued to exiſt for above two hundred years in the ſame narrow extent; that is, till the end of the reign of King Henry the Eighth.

At the time of this Prince, the Pale conſiſted of no more than four Shires. Though *Munſter* had been, in former days, nominally divided into Counties, the People, as Sir John Davies obſerves, had become ſo *degenerate*, as that no Juſtice of Aſſize durſt execute his Commiſſion among them. The ſneering anſwer of Mac-Guire, Chief of Fermanagh, to the Lord Deputy, who was propoſing to him to accept a Sheriff in his diſtrict, has been recorded: "Your Sheriff ſhall be welcome "to me; but let me know the price of his head (his *Eric*), in order "that if my People cut it off, I may fine them accordingly."

John Allen, Iriſh Maſter of the Rolls, was directed by the Government of the Colony, to inform the King, that his laws were not obeyed twenty miles in compaſs. It was become a common expreſſion among the inhabitants of Ireland, to ſay, that *They dwelt by-weſt of the Law, which dwelt beyond the river of the Barrow* (thirty miles of Dublin).

Henry the Eighth did indeed aſſume the title of *King* of Ireland, inſtead of *Lord*, which was the former ſtile, and had cauſed certain diſtricts without the Pale, to be divided into Counties, or Shire ground. But this diviſion was no more than nominal. The *Black-rent*, that annual tribute which has been abovementioned, continued during that Prince's reign to be exacted from the inhabitants of the borders of the Pale, by the ſurrounding Chieftains. The native Iriſh Chiefs even then continued to conſider themſelves as being ſo independent, that they made expreſs Treaties of peace with the King and his Lieutenant:

Treaties of alliance were more than once made with them, for making war on the turbulent Engliſh Lords. One of theſe Chieftains, named *Mac-Gillapatrick*, and Lord of Oſſory, (in the neighbourhood of Wexford), conceiving himſelf on a certain occaſion to have been aggrieved by the Earl of Ormond, then Lord Deputy, ſent a declaration of war to Henry VIII. if he did not puniſh him: which declaration the Ambaſſador whom the Iriſh Chieftain had made choice of, delivered in good Latin to the King, as he was coming from Chapel.

As to the degree of obedience paid to the Government by the Lords and great Subjects of Engliſh blood, it may be gueſſed not to have been very great, from the nature of the covenant entered into by the Earl of Deſmond with Henry VIII. in the thirty-ſecond year of the reign of that Prince; which was, that he would ſuffer the law of England to be executed in his Country, and would permit the ſubſidies granted by Parliament, to be levied on his Tenants and Followers.

Such was the ſtate of Ireland during the reign of King Henry VIII. and even during the reigns of King Edward the Sixth, of Queen Mary, and the firſt part of the reign of Queen Elizabeth. Yet all Writers, among them Sir John Davies, who was Attorney General in Ireland in the reign of James the Firſt, agree in ſpeaking of Ireland as having rightfully belonged to the Engliſh Crown ever ſince the reign of King Henry the Second. The Book publiſhed by Sir John Davies concerning Ireland, contains a continual contradiction from the beginning to the end. He calls the Kings of England from the reign of Henry the Second, "Abſolute Monarchs of Ireland, having in right all Royal and Imperial Juriſdiction there;" he brands the native Iriſh with the names of *perfidious Rebels*, *wicked and ungrateful Traytors*, throughout his Book: and all for what? becauſe the Kings of England had conquered their Country: and yet his Book is purpoſely written to point out the cauſes why they had *not* conquered it. At the ſame time it muſt be acknowledged that Sir John Davies was a Man of very great abilities: greatly

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ſuperior to the generality of thoſe perſons who are uſually employed in the management of public affairs; and notwithſtanding his contradictory principles and perplexed arguments, his Work contains a deal of ſcattered truth and information.

The only way to form a true idea of Ireland, and of the dominion of the Engliſh Crown and Nation there, previous to the reign of Queen Elizabeth, and indeed of James the Firſt, is by conſidering the Engliſh Colony that had been ſettled on that Iſland, in the ſame light as the Settlements, or Colonies, formed by Europeans in remoter parts of the World. It was a Settlement of the ſame nature as thoſe at Senegal, or Goree, on the coaſt of Africa; or like Bombay, on the Coaſt and Country of the Mahrattas; or Madraſs, thirty years ago, on the Coaſt of the Carnatic; or the Dutch Settlements in the Iſland of Java, and at the Cape of Good Hope. But the juſteſt idea that may be acquired of the nature of the Engliſh Colony in Ireland, from the times of Henry the Second, to thoſe of Queen Elizabeth, is by comparing it with the Colony at New York, as it would now ſtand, if the late Treaty had not taken place, and the Americans, in conjunction with the North-Indians, did continue to beſet its territory, and oppoſe the extenſion of the Engliſh Government. The North-Indians, in ſuch caſe, would repreſent the Iriſhry; and the Americans would be the degenerate Engliſh,—or ſome of them the Engliſh Subjects of blood, according as it might ſuit them to keep ſome intercourſe with the Government of the Colony. With this difference, however, that the Iriſhry were the more numerous Nation, and continued to occupy about two third parts of the Iſland.

During four hundred years Ireland continued to exiſt in the ſtate which is here deſcribed. Sir John Davies's Work is entitled, *A Diſcovery of the true cauſes why Ireland was never entirely ſubdued and brought under obedience of the Crown of England until the beginning of his Majeſties (James I.) happy raigne.* Among other cauſes he mentions the

the inconſiderable forces which were ſent by the Kings of England for ſubduing the Country; in which he is certainly right. But when he proceeds farther, and produces as additional cauſes why Ireland was not brought under obedience, that the Iriſh laws and cuſtoms were not aboliſhed, and thoſe of England eſtabliſhed in their ſtead, he is undoubtedly wrong.

This method of forcing their laws and cuſtoms upon conquered Nations, was never adopted but by ſuch Conquerors as aimed at deſtruction, and were ſeeking pretences for it. The Normans, to mention an inſtance which Sir John Davies himſelf has introduced, after their invaſion, ſuffered the Common Law of England to ſubſiſt in thoſe caſes which did not affect their Government. The reluctance ſhewn by the Engliſh Lords againſt having the laws of their Country altered in regard to a point in which not one of them perhaps was perſonally concerned, is well known: *Nolumus leges Angliæ mutare*, was their unanimous declaration. It may be added, that the attachment of the Iriſh to their laws was grounded upon more ſerious reaſons than mere prepoſſeſſion. They do not ſeem to have annexed to the right of *Property*, particularly in regard to land, the ſame ideas as we do. The laws of England, eſpecially concerning *Deſcent*, were perhaps the ſtrangeſt laws, and the moſt repugnant to their manner of living, that could be propoſed to them: they ſhould not therefore have been attempted to be forced upon them, eſpecially in a hurry. This is a point which Writers have not perhaps ſufficiently elucidated.

Neither were the attempts to aboliſh the manners and cuſtoms of the Iriſh, a very wiſe courſe of meaſures. The moſt abſolute Kings have found the introduction of alterations in the bare article of dreſs, to be attended with the utmoſt difficulty, even in the precinct of their Metropolis, and of fortified Towns; in the open Country, eſpecially at diſtance, it has ever proved a moſt dangerous undertaking.

The Laws and Statutes paſſed againſt thoſe Engliſh perſons who adopted the Iriſh cuſtoms and language, and claimed the ſupport of the Iriſh laws, were not more judicious. Being ſettled up the Country, and mixed with the Inhabitants, how could they avoid complying with the cuſtoms of thoſe Men whoſe countenance and aſſiſtance it behoved them to obtain, and obeying thoſe laws and Governments to which, imperfect as they might be, they muſt reſort for immediate protection? even in the precinct of the Pale, the Iriſh language had a conſtant tendency to become prevalent; and ordinances were frequently made for reſtraining the uſe of it. Sir John Davies goes ſo far as to regret that the *Foreſt-laws* were not eſtabliſhed in Ireland, becauſe thoſe laws, together with their penalties, might perhaps have helped to civilize the Iriſh. Sir John was both a Lawyer, and a Magiſtrate. He talks in a very eaſy manner, of *maiſtering the Iriſh by the ſword*, and of *breaking them by warre, in order to make them capable of obedience and good ſeede*: but his opinions, upon the whole, appear too much like the language of a Man who is intent upon dictating thoſe Laws with which he is acquainted, and extending the ſphere of his buſineſs and profeſſion.

It may be added, that the Iriſh Chieftains were extremely well diſpoſed, of themſelves, to be governed by the Kings of England. None of that fierce ſpirit of reſiſtance and rivalſhip was found among them, which was experienced from the Scots, who were a more civilized Nation. Sir John Davies has taken notice of the remarkable readineſs with which they reſorted to thoſe Engliſh Kings (Henry II. King John, and Richard II.) who came over to viſit Ireland. They were proud in fact, both to enter into alliance with the King of England, and to pay him a tribute or annual preſent, as being a greater Man than themſelves: a notion this, natural enough; and which, to this day, prevails throughout the Eaſt: they were beſides particularly pleaſed with having ſome dependence on an Engliſh King, as they ſeem to have conſidered it as forming a kind of connection, or tie, between them and the

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Nations of Europe, and in ſhort, with the reſt of the World. The Kings of England would have acted with more juſtice, more glory, as well as more advantage to themſelves, if they had been ſatisfied with the quality of Arbitrators between theſe Iriſh Rulers or Chiefs: an office to the diſcharging of which a ſmall force would have been competent, conſidering the equal manner in which their ſtrength and reſources were balanced among themſelves. Better cuſtoms, and laws more favourable to the improvement of their Country, ſhould, together with proper invitations, have been held out to them; and time truſted to, for their accepting them. Inſtead of this, Adventurers were poured into Ireland, who, partly by their avidity, and partly by their ignorant laws, rendered pacification impoſſible.

Another fact may be mentioned in this place; which is, that Henry VIII. found no difficulty in inducing the independent Iriſh Chieftains to acknowledge his Supremacy, and the capacity he aſſumed, of Head of the Church; which is a remarkable fact, and ſhews that they were not influenced by any violent ſpirit of innate bigotry and bloody oppoſition, in regard to religious matters. Some alſo covenanted with the King to admit Engliſh Judges, or *Arbitrators*, in their diſtricts, provided they ſhould follow the Iriſh laws: which is another remarkable circumſtance. Such Arbitrators, or *Orderers*, were accordingly appointed, and directed to let the Engliſh law aſide, becauſe, it is ſaid in the preamble of the Ordinance, the Iriſh were not yet ſufficiently acquainted with theſe laws to live in conformity to them. (*Quia nondum ſic ſapiunt Leges et Jura, ut ſecundum ea jam vivere poſſint.*) This was wiſe policy, though Sir John Davies but indifferently approves of it; and it had been, no doubt, adopted as an expedient to induce the Iriſh to acknowledge the King's Supremacy.

At the ſame time we mention, Henry VIII. aſſumed the title of *King*, inſtead of *Lord*, of Ireland, which the Kings of England had till then uſed. Writers on Iriſh affairs have agreed in ſuppoſing that

that the readineſs with which the Iriſh Chiefs acknowledged the King's claim to Supremacy, though he had no forces in Ireland by which to overawe them, was owing to their being ſo pleaſed and dazzled with this new title of King. Sir John Davies hath firſt ſuggeſted this idea; which ſubſequent Writers have adopted, as they have done all Sir John's other opinions. But it is not likely that the change of a title, or ſimple word, in a foreign language which they did not underſtand, might very ſeriouſly influence the minds of the Iriſh Chiefs, and affect the nature of their Treaties and Covenants with Henry the Eighth: beſides, the word *Dominus* (Lord) is a higher ſounding word in the Latin language, than that of *Rex* (King), which uſed to be beſtowed on the Iriſh Chiefs themſelves: the Latin tongue was the language uſed in the intercourſe with the generality of the Iriſh Chieftains, as their Prieſts were able to underſtand it.

The willingneſs of the Iriſh Chiefs to comply with the wiſhes of Henry VIII. in the affair of the Supremacy, was owing to another cauſe: it was owing to that Ordinance, or Covenant with them, being paſſed, that has been above mentioned, by which their native Laws were in future to be reſpected. The Iriſh Chiefs and Tribes had now cauſe to think that the King might be ſafely truſted to,—that he was determined in future to overrule his Adviſers and his Lawyers, and that thoſe national Laws, by which Property continued to be inſured among them, and thoſe cuſtoms which they had imitated from their Forefathers, would no longer be made pretences of, for harraſſing them by unjuſt, ignorant, hoſtilities, and breaking Treaties entered into with them. Obliging the King, in ſuch circumſtances, in regard to his lately aſſumed Supremacy, they conſidered as an advantageous bargain.

The true reaſon of Henry VIII. for uſing the title of *King* of Ireland, was no other than to ſet aſide, at the ſame time, the old title of *Lord*, which the Popes had conferred on the Kings of England, in that Bull by which the Sovereignty of the Iſland had been beſtowed upon Henry

the Second. The King undoubtedly judged, that, ſetting aſide a title which had been conferred by Papal authority, became a neceſſary meaſure, when he thought proper to renounce that authority both in England and Ireland. If the Pope now attempted to take the Sovereignty of Ireland from him, in the ſame manner as it had been formerly conferred, his Holineſs was to be diſappointed: there was no longer a *Lord*; it now was a King.

At length, in the reign of Queen Elizabeth, an army was ſent which thoroughly effected the conqueſt of Ireland. The Engliſh Government, in effecting that conqueſt, had the beſt plea for juſtifying their conduct, that Conquerors can poſſibly alledge; which was the neceſſity of circumſtances, and conſiderations derived from their own defence and ſafety.

The violent meaſures that had been purſued in the reign of King Edward VI. in order to eſtabliſh the Proteſtant religion and liturgy in Ireland, had given riſe to a conſiderable degree of diſaffection among all perſons of Engliſh race in that Country: the alarm had been extended to the Iriſh Tribes; and ſuch a ſpirit of univerſal combination and oppoſition to the Engliſh Government, was beginning to take place in the reign of Queen Elizabeth, as had been unknown in former periods.

This diſpoſition of people's minds offered a favourable opportunity to Philip II. King of Spain, for promoting his hoſtile deſigns againſt England. Partial invaſions of Ireland were attempted by the Spaniſh Government ſeveral years before the ſending out of their *invincible Armada*; and a Spaniſh Colony had even been ſettled from remote times, on the South-weſt part of the Iriſh coaſt. Spain, of all foreign Countries, is the moſt favourably ſituated for an intercourſe with Ireland. The Spaniſh coaſt ſtretches ſo far out into the Atlantic Ocean, as to lie to the Weſtward of moſt of the Iriſh harbours. Weſterly winds, that is, thoſe winds which moſtly prevail in that part of

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the world, are favourable winds for coming from Cape Finiſterre to Corke, Waterford, &c. The Northern Spaniſh ſhore in fact lies both Eaſt and Weſt of the Iriſh coaſt; and Spain is better ſituated for conſtant communication with Ireland, than France, or perhaps than any Engliſh harbour within the Britiſh Channel. Had the Spaniſh Armada attempted Ireland, they would have made a certain conqueſt of it. After the miſcarriage of that Fleet, another might have been ſent, which, aſſiſted by the now univerſally diſaffected Inhabitants, might have met with ſucceſs. Nay, an army of ſeveral thouſand Spaniards were actually ſent, attended by a Pope's Nuntio, who got poſſeſſion of Kinſale. And England thus found herſelf in danger of being beſet, on Eaſt and Weſt, by the power of Spain, ſo formidable in thoſe days, and of lying in the middle between the land forces of the Spaniards, then centered in the Netherlands, and their naval ſtrength and armaments, ſtationed in the harbours of Ireland. Theſe conſiderations determined the Engliſh Government to make uncommon efforts to ſecure the poſſeſſion of Ireland. Very conſiderable ſubſidies were voted by Parliament for that purpoſe; and an army of twenty thouſand men, completely well provided, was ſent, which, aſſiſted by the advantages and footing already poſſeſſed by the Government in the Country, and by other favourable circumſtances, effected a thorough reduction of all the different Lords and Chiefs who till then had ruled in the Iſland.

However, Queen Elizabeth did not live to ſee the conqueſt of Ireland brought to a thorough concluſion: for, the final capitulation with the great Chieftain O'Neal, was not ſigned till a few days after her death.

James the Firſt is, therefore, to be named as the firſt Engliſh Sovereign who poſſeſſed the dominion of Ireland.

At this æra, all violent oppoſition to the Government, was put an end to. The ſpirit of Iriſh reſiſtance was braied, to uſe the expreſſions of Sir John Davies, as it were in a mortar, with the *Sword*,

Famine, and Peſtilence, altogether. The Law now penetrated into every remote corner of the Iſland.—Juſtice, the ſword having firſt cleared the way, took the whole Country in her progreſs, in the ſame manner as the *Virgo* moves in the Zodiack preceded by *Leo*, as Sir John claſſically and elegantly expreſſes it; and the Judges were now enabled to proceed round the whole Kingdom, like Planets in their extenſive Orbits; whereas their Circuits had till then been confined to the ſmall precinct of the Pale, like the narrow circle which the *Cynoſura* deſcribes about the *Pole.*

At the ſame time that the power of the Judges and of the Engliſh Government was thus extenſively fixed, the *leud* Iriſh laws and cuſtoms were aboliſhed, and the Engliſh laws eſtabliſhed in all caſes without exception, through the whole Iſland. Lawyers had then buſineſs enough; and even more than enough. The Harveſt was great, to uſe once more the expreſſions of Sir John Davies, but the Labourers few; (*Magna meſſis, ſed Operarii pauci*) and "the number of the Judges was increaſed in every Bench *."

As a further ſtep for the ſettling of Ireland, numerous Colonies were ſent from Great Britain to occupy the lands which had been taken from thoſe Tribes and Chieftains who had been more particularly engaged in the war that had been lately terminated. King James gave uncommon attention to the framing of the Ordinances that were made for the proper ſettling of theſe Colonies; and all Writers have agreed in praiſing the judicious meaſures that were adopted, and in conſidering the zeal and ſucceſs of the King in that reſpect, as the moſt laudable part of his reign.

* The power of the Law and of the Judges, did not become, however, quite ſo completely eſtabliſhed in Ireland, at the beginning of the reign of James the Firſt, as Sir John Davies deſcribes it. Several inſurrections took place in this reign, that were raiſed by Iriſh Chieftains: though they were quelled without any great difficulty, as their power and reſources had been ſo broken by the late war.

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The power of the Engliſh Government and Crown being now univerſally and indiſputably eſtabliſhed, there was a probability that the enmities of former parties would be in time forgotten, that thoſe Inhabitants who had been compelled to adopt the Engliſh laws, would gradually perceive their advantages, and that a laſting peace might prevail in Ireland. But events had unfortunately taken place within the laſt fifty or ſixty years, that were ſoon to diſturb this peace, and give riſe to animoſities and conteſts as obſtinate and bloody as thoſe that had been lately terminated. It is here meant to ſpeak of the religious diſſentions, cauſed by the introduction of the Reformation into Ireland.

The firſt attempt to introduce the Reformation into Ireland, was in the reign of King Edward the Sixth. Henry VIII. being ſatisfied to have his ſupremacy acknowledged, and the authority of the Pope renounced, did not take any meaſure to enforce a farther change in the opinions of his Subjects in Ireland. But, in the reign of Edward the Sixth, orders were ſent for uſing the Engliſh liturgy in all the Churches of the Colony, that is, of thoſe diſtricts wherein the authority of the Engliſh Government was acknowledged. Directions were alſo given for removing, ſelling, or deſtroying, the ornaments, and the inſtruments of popiſh ſuperſtition: and the Soldiers who compoſed the garriſons ſtationed in Ireland, were employed for effecting theſe removals and deſtructions, which they performed with their uſual zeal and alacrity in executing commands of this kind. In the mean time, Sir Anthony St. Leger, the Lord Deputy, was recalled, on account of his not being ſufficiently aſſiduous in promoting the work of the Reformation.

In the reign of Queen Mary, the tables were reverſed. The Latin liturgy was reinſtated in the Churches, and their ornaments were reſtored. Proteſtants were, nevertheleſs, allowed to live ſufficiently unmoleſted:

moleſted: they were not numerous enough in Ireland, to make perſecution a profitable buſineſs.

In the reign of Queen Elizabeth, a freſh change took place; and the Churches were again denuded of their ornaments.

James the Firſt purſued the ſame buſineſs of Reformation: but as the King's power in Ireland was now ſo far increaſed beyond what it had formerly been, ſo the meaſures for altering the religion of the Country were attended with more important effects. The directions concerning the Reformation, ſent by the preceding Sovereigns, had only been enforced in the diſtricts and Churches within the Pale: the orders ſent by the Council of James the Firſt now extended to the whole Iſland.

The principal meaſures that were adopted at the time of that Prince, for raiſing the Proteſtant, on the ruins of the Catholic, Religion, in Ireland, were the following:

In the firſt place, the Colony that was ſent from Great Britain, to ſettle on thoſe lands which had been ſeized by the Crown, as hath been above mentioned, was formed of Proteſtants; and a great many of them Preſbyterians: a ſmall Colony, formed on the ſame principle, had alſo been ſent in the reign of Queen Elizabeth, to ſettle on the lands that were taken from the Earl of Deſmond, a rebellious great Lord and Subject of blood, when he was ſubdued and attainted with one hundred and forty of his adherents, ſome years before the great war againſt the native Iriſh. The Proteſtant party by that means acquired that kind of ſtrength, and weight, which reſults from conſiderable numbers. For, it is to be obſerved that there were ſcarcely any Proteſtants among the old Engliſh inhabitants of Ireland, and they were ſtill fewer among the native Iriſh: the Reformation had made no progreſs whatever in Ireland.

In the ſecond place, the majority, in the Iriſh Parliament, was allotted to the Proteſtant party, through the manner in which the Par-

liament was now compoſed, and in which the right of election was conferred on new erected Counties and Corporations.

There had been no Parliament held in Ireland for twenty-ſeven years before the time we are ſpeaking of, which was the eighth year of the reign of King James the Firſt. The Proteſtants were ſo few in Ireland, in Queen Elizabeth's time, that the Government of the Colony could not venture upon calling a Parliament: there was too little certainty of getting a majority on the Proteſtant ſide, even with the power poſſeſſed by the Crown of erecting new Counties and Corporations: this had been the cauſe of the long intermiſſion of Parliaments that has been above mentioned. The Council of James the Firſt, in the eighth year of his reign, had a more advantageous ſcope, now that the Iſland was univerſally ſubdued, and a numerous Colony of the Proteſtant Religion had been introduced, that was ſettled upon extenſive tracts of land. New Boroughs were erected in thoſe quarters occupied by the new Settlers. Even then the Government found themſelves, at firſt, miſtaken in their reckoning, through the remarkable ardour with which the oppoſite, or Catholic, party exerted themſelves, eſpecially in the elections for Counties: elections were loſt where there was thought to be little danger of it; and even Privy-counſellors excluded. The diſappointment was made up by ſpeedily erecting freſh Corporations, or Boroughs, and conferring upon them the right of electing Members. Hence the complaints made afterwards by the Catholic party, that ſeveral new Corporations which had ſent Members, had been erected, in order to the ſending of precepts to them for elections, after the firſt iſſuing of the Writs for calling the Parliament.

By this exertion of all their reſources, the Iriſh Government obtained a majority in the Lower Houſe. On the firſt day of meeting, the Members of the Catholic party were found to be 101; and thoſe in the Proteſtant intereſt were 125. The Catholic party being both greatly ſurpriſed and diſappointed at finding themſelves the minor number, at

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firſt refuſed to recognize thoſe new Brethren that had been ſent them by the new erected Corporations: a ſcuffle even took place in the chairing of a Speaker; each party putting forth a different perſon. But as the place of the meeting was in the Caſtle, as they were ſurrounded by a Proteſtant garriſon, and all attendants had been diſmiſſed, as well as ſwords left at the gate, the Catholic party were fain to ſubmit. In the Houſe of Lords, there were four Earls, five Viſcounts, and ſixteen Barons; in all twenty-five: to them were added twenty-five Proteſtant Biſhops and Archbiſhops.

In order to complete the ſame courſe of meaſures, the penal Statutes that had been paſſed in the reign of Queen Elizabeth, were put in force. By virtue of thoſe Statutes, no Man who refuſed to take the oath of Supremacy, could be inveſted with an Office in a Corporation, or be a Juſtice of the peace, or a Magiſtrate: he was not to be a Privy-counſellor, nor to be preferred to any Poſt in the Government: if a Lawyer, he was not to be admitted to plead at the bar, or to fill the office of Judge. All the higher dignities of the Church, together with Church livings, and Church emoluments, were moreover allotted to the Proteſtant Clergy, as a reward for their orthodoxy. A weekly fine was alſo to be laid upon every perſon who ſhould neglect to attend the Church ſervice.

By all the above ordinances and meaſures, the Proteſtant became eſtabliſhed, to the complete excluſion of the Catholic Religion. And at that period aroſe thoſe formidable party diſtinctions of Catholics, and Proteſtants, into which the Inhabitants of Ireland have ſince been divided.

The Proteſtant party was, on the one hand, formed by thoſe Colonies that had, of late years, been ſettled in Ireland. They had on their ſide the ſtrength of the Colonial Government, which was formed only of themſelves; and the majority in the Parliament of the Iſland.

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On the other hand, the Catholic party was formed of the whole maſs of the Inhabitants of Ireland, previouſly to the ſettling of the above Colonies: for, as hath been already obſerved, there were no Proteſtants in Ireland before that time: this will, very likely, induce the reader to think that it was not very wiſe to try to render the Proteſtant Religion univerſally dominant, in a Country ſo circumſtanced.

At the period we are ſpeaking of, the old diſtinctions of native Iriſh, degenerate Engliſh, Engliſh of Blood, and Engliſh of the Pale, were forgotten, and loſt in the general denomination of Catholics. An union was now formed between the Iriſh Chieftains and Tribes, who, after loſing their lands and their laws, were now to loſe their religion, and the whole of the old Engliſh Colony, whoſe Lords and Men of influence were now to loſe their conſequence, whoſe Lawyers and Prieſts were thrown out of employment, while the numerous Commonalty had their Churches taken from them, and were inſulted by penalties for not conforming to the religious rites of their Opponents. All were now united together under the common banner of the Catholic Faith, and turned their eyes towards the Proteſtant party as a common aggreſſor and enemy.

The reſources of the Proteſtant party, for maintaining their ground, in the midſt of ſo formidable a confederacy, could not be in their number; for, though conſiderable in itſelf, it bore no kind of proportion to thoſe of their Catholic Opponents. And the advantage they poſſeſſed of forming the Colonial Government, and of having a majority in the Parliament, was only a ſtrength of an artificial kind, which, without farther ſupport, could not ſubſiſt long. Their real effectual reſources were to be in their moderation, and in the ſupport of the Engliſh Government. Of moderation, it appears from what has been above recited, that they had but little. Nay, they had none; for, when they found that the Engliſh Council of James the Firſt was beginning

to uſe for their ſake a wiſdom and caution which they did not themſelves poſſeſs, they proffered addreſſes againſt the "grievous ſin of "granting toleration to ſuperſtition and idolatry, and of being acceſ-"ſory to the abominations of Popery." On the arrival of Lord Falkland, who had been ſent as Lord Deputy, with general directions, it was thought, to purſue gentle meaſures, Archbiſhop Uſher, in his firſt ſermon before him, took for his text the words, *He beareth not the ſword in vain.*

The final reſource of the Proteſtant Reformers was in the ultimate ſupport of the Engliſh Government: and, ſince it had been able to conquer the Iſland, it was natural to ſuppoſe that, by ſeriouſly exerting again its force, it might be able to preſerve the conqueſt. But ſhould that Government happen to be weakened in its ſeat by domeſtic diſſenſions, ſhould its preſſure and weight be at any time leſſened, that fire which was kept ſmothered, muſt no doubt burſt out; and terrible muſt be the exploſion.

In the night of the 22d of October 1641, the Iriſh civil war began. Violent meaſures of the kind we are here ſpeaking of, ſhould never be attempted to be juſtified in writing: I ſhall therefore leave the ſudden inſurrection that broke out, in Ireland, in the ſeventeenth year of the reign of Charles the Firſt, under the whole load of odium and maledictions which Writers have beſtowed upon it.

The native Iriſh had begun the inſurrection; and they were joined ſoon after by the old Engliſh Colony, the Lords, and the inhabitants of the Pale: the junction of theſe had been at firſt poſtponed by the miſcarriage of the attempt upon Dublin. The Catholic party in Ireland were in reality ſtretching a hand to Charles the Firſt. But this Prince was not able to ſee this. While under the preſſure of the war waged againſt him by the Engliſh Parliament, and by his Scottiſh Subjects, he continued for years to conſider the Iriſh and their Confederates,

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as his enemies, and to give directions accordingly. When he had thoughts, at length, of employing their aſſiſtance, in the year 1645, it was become too late.

The Iriſh Inſurgents had on the firſt onſet, as hath been above mentioned, failed of ſeizing the City and Caſtle of Dublin. Armies of Scots had croſſed the Straits between their Country, and the North coaſt of Ireland. Both the Loyaliſts, and the Parliamentarian party in the Iſland, continued for a long time to unite againſt them and their Confederates. Aſſiſtance was ſent by the Engliſh Parliament, as ſoon as they were able to ſpare it. Cromwell, with his Generals, in time followed; and an army of above thirty thouſand foot, and fifteen thouſand horſe, was either tranſported or formed in Ireland, by which an end was put to the war in the year 1652, and Ireland conquered a ſecond time.

New Colonies were tranſported into Ireland to occupy the lands that were either taken from the Catholic inſurgents, or had become vacant by the deſtructive effect of the war, and the calamities that attended it. Sir William Petty mentions it as the moſt moderate calculation, that one third of the Inhabitants of Ireland had periſhed by the ſword, famine, or the plague. Certain Writers have gone ſo far as to aſſert that only one eighth of the native Iriſh were left at the concluſion of the eleven years war that was terminated in the year 1652. This account muſt be exaggerated. However, all thoſe native Iriſh who were exiſting, in different parts of the Iſland, at the time of the ſettlement made by Cromwell, were commanded to retire into the Province, or Diviſion, of Connaught; which lies on the Weſtern coaſt; and had become deſolate, and almoſt deſtitute of inhabitants. They were obliged to give up their lands and titles to the Conquerors; and thoſe aſſigned to each of them, were proportioned to the extent of thoſe he ſurrendered. A certain day was alſo fixed for them to retire, upon the penalty of death.

The whole meaſure was an event of much the ſame kind as the expulſion of the Moors out of Spain. With this difference, however, that the Nation of the Moors had, about eight centuries before, been invaders of Spain, and were now driven out of it to a remote Country; whereas, the native Iriſh had been, time immemorial, in poſſeſſion of their Iſland, and had now about one fifth part of it allotted to them.

At the period we are ſpeaking of, the intereſt and power of the Old native Iriſh, as a diſtinct claſs of Inhabitants, was entirely broken; their numbers being from that time greatly exceeded by thoſe of the Old and New Inhabitants of Britiſh race. They have continued to have conſequence, as a diſtinct Claſs, by their alliance with the Britiſh Catholics, and their continuing to form a conſiderable part of the Catholic party.

Sir William Petty reckons, that, before the year 1641, the numbers of the Catholic party, in Ireland, was equal to about ſix times the number of the Proteſtants; and that, at the time of the Reſtoration, it was about four times *.

After the Revolution of the year 1689, another civil war took place in Ireland. It is not quite improbable that the remarkable willingneſs of James the Second, to withdraw from England, was owing to a ſettled deſign he entertained, of trying his fortune in that Iſland. The ſtep taken by Charles the Firſt, of truſting himſelf, in his diſtreſs, to an army of Scottiſh Preſbyterians, inſtead of applying to the Iriſh,

* The Injunction laid on the Old native Iriſh, to keep within the limits aſſigned to them, continued to be very ſtrictly enforced till the Reſtoration; that is, during eight years. At that period, ſome among them got their lands back, in refunding their expences to thoſe Adventurers who were in poſſeſſion of them: and a free intercourſe was re-eſtabliſhed between them and the reſt of the Iſland. Still, the Province of Connaught may be conſidered as continuing to form, at this day, their main Habitation or Settlement.

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while it was yet time, had very poſſibly continued to be looked upon in his family, as one of the worſt faults he had committed.

In the beginning of March 1689, that is, about two months after he had left England, James the Second ſailed from Breſt with ſeventeen ſhips of war; and landed at Kinſale, on the twelfth.

He found the legal Government of the Country on his ſide. By altering the Charters of the Corporations, in the beginning of his reign, a majority had been procured in the Parliament to the Catholic party. The Earl of Tyrconnel, who was Lord Deputy, had already taken arms in his favour; and met him at Cork, where he delivered up his authority to him.

James the Second ſoon found himſelf at the head of forty thouſand Soldiers; and with theſe forces he marched, firſt to Dublin, then to the North of the Iſland, where the ſtrength of the Proteſtant intereſt lay. On receiving the news of the Revolution in England, the Iriſh Proteſtants had proclaimed William and Mary. They were afterwards aſſiſted by an army from England, which ſailed from Cheſter, under the command of Duke Schomberg; and King William followed, about eight months after (in June 1690) with conſiderable reinforcements.

James the Second was defeated on the banks of the Boyne. He ſoon after withdrew in a frigate belonging to the King of France, reſigning Ireland to his Competitor, after a ſtay of about ſixteen months ſince his landing at Kinſale. Conſidering the almoſt ſure proſpect of ſucceſs he had during the firſt ſix months, his miſcarriage muſt have been in great part owing to his want of abilities: but it may be added, that, had he poſſeſſed abilities and judgement, he never would have had in his life any occaſion to command an army in Ireland.

The war was continued about a twelvemonth longer, between the Generals whom King William had left to ſupply his place, and the French and Iriſh forces. At length, the taking of Limerick put an end to the war. The celebrated Capitulation, otherwiſe called the Articles

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of Limerick, was ſigned on the third of October 1691. This capitulation was to form the law by which the rights left to Roman Catholics, in Ireland, were in future to be decided, and the Charter by which thoſe rights were to be limited, and at the ſame time, ſecurely eſtabliſhed.

The principal Articles were, That the Roman Catholics ſhould exerciſe their religion, in the ſame manner as they did in the reign of Charles the Second: that they ſhould enjoy the common privileges of Subjects, being bound to take the oath of allegiance to the King, when required: and that they ſhould have a right to have arms about their perſons, or in their houſes, like other Subjects.

Theſe Articles, or Conditions, of Limerick, continued to be obſerved in King William's reign; and this Prince conſtantly reſiſted the endeavours of the prevailing party in Ireland, for having them repealed. Indeed, the fixed inclination of that Prince for religious toleration, does honour to his memory, and forms the greateſt part of his character as a King. He received his reward for it, too. The general opinion which people entertained of his diſpoſitions, enabled him as effectually perhaps as any other circumſtance, to go ſafely through his reign, and to ſurmount the difficulties with which he was ſurrounded. Owing to his avowed tolerant intentions, no religious party was driven to deſperation and extremities; and amidſt the reciprocal aggreſſions of the different Sects upon each other, ſuffering Individuals continued to look up to him as to a Protector, or at leaſt a perſon who wiſhed to be ſo.

When the Commiſſioners from Scotland tendered the Coronation oath to King William, for that Kingdom, he ſtopped them, as they were reading that Article in which the *rooting out of Heretics*, was mentioned. He declared he did not mean to bind himſelf by it, to perſecute any perſon for his religious opinions; and deſired the Aſſembly preſent, to mark his declaration, and be witneſſes to it. This was

acting with ſpirit, conſidering that he had in a manner but juſt received his Crown; and with great judgement.

The juſt line of conduct, in regard to Roman Catholics in Ireland, we have above mentioned, ceaſed to be purſued in the reign of Queen Anne. Several Acts of the Iriſh Parliament were paſſed by which the Conditions of Limerick were gradually violated. And at length the famous Laws of *Diſcovery* were enacted, by which the triumph of the Proteſtant over the Catholic party was finally completed, after an hundred and ten years ſtruggle.

By theſe Laws, the Roman Catholics were abſolutely diſarmed. They could not purchaſe land. If one Son did abjure the Catholic religion, he inherited the whole eſtate, though he was the youngeſt. If he made ſuch abjuration, and turned *Diſcoverer*, during the lifetime of his Father, he took poſſeſſion of the eſtate; his Father remaining a penſioner to him. If a Catholic had a horſe in his poſſeſſion, worth fifty, or an hundred pounds, or more, a Proteſtant might take the ſame from him, upon paying him down five pounds. If the rent paid by any Catholic was leſs than two thirds of the full improved value, whoever *diſcovered*, or turned Informer, took the benefit of the leaſe, &c. &c.

Three different periods may be diſtinguiſhed in the Hiſtory of Ireland. The firſt comprehends the time that elapſed from the firſt introduction of the Engliſh into Ireland, in the reign of Henry the Second, to the reign of King James the Firſt; when the authority of the Engliſh Government was generally eſtabliſhed. The ſecond period reaches to the reign of King William: during this period the Proteſtant and Catholic parties were formed, and alternately triumphed over one another, till the Catholic party was overcome.

From the æra we mention, the affairs of Ireland have taken rather an unexpected turn, and different from what one might have thought. The animoſities of former parties have ſeemed to be forgotten. The ſtruggles between Catholics and Proteſtants have been ſuſpended, or

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at leaſt have made little noiſe in the World. Queſtions of politics have engroſſed the public attention; and the reſcuing of themſelves, as a Nation, from a dependency on England, has become the object of the zeal and univerſal purſuit of the Inhabitants of Ireland.

Complaints againſt the interference of the Engliſh Legiſlature, had been made by Individuals, in ſufficiently early times, in Ireland; particularly during the ſitting of the Long Parliament in the reign of Charles the Firſt: but theſe complaints had not been generally inſiſted upon.

In the reign of Charles II. the Act prohibiting the cultivation of Tobacco in Ireland, and the Navigation Act, in which Ireland is expreſſly named, were paſſed. Theſe Acts, or at leaſt their conſtitutional and political tendency, did not yet cauſe any great diſcontent in Ireland.

In the reign of King William ſeveral Acts were paſſed, by the Engliſh Parliament, in which Ireland was bound. One was intitled *An Act for the relief of the Proteſtant Iriſh Clergy:* it repealed the Act paſſed by the Iriſh Parliament, in the reign of Charles the Second, *for diſabling ſpiritual perſons from holding benefices in England, and Ireland, at the ſame time:* it was meant to enable thoſe perſons of the Iriſh Clergy, who were driven out of their Country by the war in 1689, to receive benefices in England. Another Engliſh Act prohibited all trade with France, both from England and Ireland. Another declared all the Acts of the Parliament held at Dublin by James the Second, to be void, without the preſent Iriſh Legiſlature being conſulted. And a fourth Engliſh Act was, for *abrogating the Oath of Supremacy in Ireland, and appointing other Oaths.* All theſe Acts did not excite yet any conſiderable ſenſe of public diſſatisfaction in Ireland: no complaints were made againſt them in the Iriſh Parliaments that met in the years 1692, and 1695.

In the following years, however, the political tendency of the above mentioned Engliſh Acts, and the national dependence on England which

which they seemed to evince, happened to engage very seriously the public attention in Ireland. This attention, as well as the general dissatisfaction, gradually increased. And at length, in the year 1698, the famous Pamphlet written by Mr. Molyneux, was published, which is entitled, *The Case of Ireland being bound by Acts of Parliament in England, stated.* This Pamphlet, together with the high degree of notice that was taken of it by the English House of Commons, may be considered as having been the public opening of the controversy, and the political contention, between England and Ireland, since the beginning of this Century.

It is to be observed that there was, besides Mr. Molyneux's publication, another fact of a serious nature, though not very generally known at first to the Public, which caused the interference of the English House of Commons. The Irish Parliament, dissatisfied with the above recited Acts that had been passed in England since the beginning of the King's reign, had transmitted to the King in Council, for his Majesty's Assent, the Heads of a Bill, which, under colour of giving a farther sanction to those Acts, was meant as a kind of precedent, or declaration, for excluding afterwards the authority of the English Parliament out of Ireland. The opportunity of the appearance of Mr. Molyneux's publication was taken; a Committee of the House of Commons was appointed on the 21st of May 1698, to enquire into the Book; and, upon the report of the Committee, the House 'unanimously resolved,

'June 22, That the said Book was of a dangerous consequence to 'the Crown and People of England, by denying the authority of the 'King and Parliament of England to bind the Kingdom and People 'of Ireland, and the subordination that Ireland has, and ought to have, 'upon England, as being united and annexed to the Imperial Crown 'of this Realm. And that, occasion and encouragement to forming 'the dangerous positions contained in the said Book, had been given

'by a Bill entitled *An Act for the better Security of his Majeſty's per-*
'*ſon and Government*, tranſmitted under the Great Seal of Ireland;
'whereby an Act of Parliament made in England was pretended to
'be *re-enacted*, alterations therein made, and divers things enacted alſo
'pretending to oblige the Courts of Juſtice, and Great Seal, of England,
'by the authority of an Iriſh Parliament.'

The Houſe then, in a Body, preſented an Addreſs to the King, in which they enlarged both on the Book and *its pernicious aſſertions*, and on the dangerous tendency of the proceedings of the Iriſh Parliament. They concluded with 'aſſuring his Majeſty of their ready concurrence
'and aſſiſtance, in a parliamentary way, to preſerve and maintain the
'dependence and ſubordination of Ireland to the imperial Crown of
'this Realm.' The anſwer of his Majeſty to this addreſs, was, 'That
'he would take care, that, what was complained of, might be prevented
'and redreſſed as the Commons deſired.'

Thus was the political war between the two Countries uſhered in,—and the gauntlet thrown by one Party, bravely taken up by the other.

In the year 1719, another public important caſe of controverſy occurred. It was the Engliſh Houſe of Lords, who interfered this time. A cauſe relative to an eſtate was tried before the Court of Exchequer in Ireland, who gave a decree in favour of Maurice Anneſly againſt Heſter Sherlock. The Houſe of Lords, in Ireland, was appealed to: they reverſed the decree; and Heſter Sherlock was put in poſſeſſion of the eſtate. Maurice Anneſly applied to the Houſe of Lords in England, for relief: the Houſe, proceeding upon the principle that the Peers of Ireland poſſeſſed no power of Juriſdiction, confirmed the decree; and an Order was ſent to the Barons of the Exchequer in Ireland, to cauſe the poſſeſſion of the eſtate to be reſtored to Maurice Anneſly; which Order they were able, after ſome time, to effect. Heſter Sherlock petitioned the Houſe of Peers in Ireland: they ordered the

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three Barons of the Exchequer, *Jeffrey Gilbert*, *John Pocklington*, and Sir *John St. Leger*, into cuſtody; and ſent a repreſentation of the caſe to the King. This repreſentation was laid before the Engliſh Houſe of Peers: who, after addreſſing the King, to deſire that he would be pleaſed to confer ſome marks of his Royal favour on the Barons of the Exchequer, framed a Bill, of which the following is an abſtract.

'Whereas Attempts have been lately made to ſhake off the ſubjec-
'tion of Ireland, unto the Imperial Crown of this Realm: And where-
'as the Houſe of Lords in Ireland have of late aſſumed, againſt law,
'a power to examine and amend the Judgements of the Courts of Juſ-
'tice in Ireland: Therefore, be it enacted, that the ſaid Kingdom of
'Ireland is ſubordinate unto, and dependent upon, the Imperial Crown
'of Great Britain; and that the King's Majeſty, by and with the con-
'ſent of the Lords and Commons of Great Britain, has full power and
'authority to make Laws and Statutes to bind the People and the
'Kingdom of Ireland. And be it farther enacted, That the Houſe of
'Lords of Ireland have not any Juriſdiction, to judge of, affirm, or
'reverſe, any Judgement or Decree given in any Court within the ſaid
'Kingdom.'—The Bill having met with the concurrence of the Commons, and received the King's aſſent, became an Act of Parliament; ſo that the claim laid by the Britiſh Houſe of Peers, to Juriſdiction over the Kingdom of Ireland, was, in caſe of future oppoſition, to be backed by the whole ſtrength of Great Britain.

In the years 1751 and 1753, another remarkable conteſt took place. The difference was this time with the Crown. The ſubject was an unappropriated ſum of money, remaining in the Iriſh Treaſury, after the expences of Government were paid. Whoſe property was that money? who was to diſpoſe of it,—the Crown, or the Iriſh Parliament? That was the queſtion.

The Crown looked upon the money as being its property: and as it was not then wanted, it being time of peace, the Duke of Dorſet,

then Lord Lieutenant, acquainted the Houſe of Commons, that he was commanded by his Majeſty to inform them, that his Majeſty would conſent that the money remaining in the Treaſury ſhould be applied to the diſcharge of their national debt. The Houſe paſſed a Bill accordingly; but avoided ſaying any thing about the King's previous declaration. The Bill was tranſmitted to England, and was returned, that is, aſſented to, with the additional mention, however, of the King's preparatory leave and conſent: the addition was ſubmitted to, this time, and the Bill accepted in the Iriſh Parliament.

The queſtion continued nevertheleſs to be warmly diſcuſſed among Politicians, till the following Seſſion, that is, during two years: it was called the queſtion about the *previous conſent*: it was in reality about the property of the money remaining as a ſurplus, in the Treaſury. When the Parliament again met, in the year 1753, the Lord Lieutenant made the ſame Declaration he had made two years before. The Commons, in appropriating the new ſurplus money, again avoided taking any notice of the King's previous licence: the mention of it was, as formerly, added by the Engliſh Privy Council. The Iriſh Commons this time rejected the Bill. The Crown then exerted its right, or claim, to the property of the money: and the King, by his letter, took it out of the Iriſh Treaſury. The queſtion was, however, of more importance to the Crown, than one might perhaps at firſt think. If the Iriſh Parliament had poſſeſſed a right, of themſelves, to appropriate the overplus of money in the Treaſury, the right to diſpoſe of the whole muſt have been allowed of courſe, and the hereditary revenue would thereby have been rendered precarious.

We have recited the woes and oppreſſions of the Iriſh Nation; we are now to relate their conqueſts and their victories.

But before giving an account of the remarkable alteration in politics, that has, of late years, taken place in Ireland, it may not be amiſs to mention the reaſons of the long acquieſcence of the Iriſh Legiſlature

in the Supremacy aſſerted by the Engliſh Parliament: for, it is to be obſerved that even the declarations of the Parliament of England, or Great Britain, we have juſt recited, were ſubmitted to by the Parliament of Ireland. Thoſe ſteps they had taken, which had drawn theſe declarations, were no more than mere attempts to alter their political ſituation: whatever public clamour might take place on thoſe occaſions, ſtill the declarations and meaſures of the Britiſh Legiſlature, and the Crown, were acquieſced in.

In early times, the Iriſh Parliament and Colony could entertain no thoughts of independence and rivalſhip in regard to the Engliſh Nation and Legiſlature. That Parliament only repreſented the four ſmall Shires that formed the Pale. It was ſummoned for the firſt time, according to Sir John Davies's account, (which is more likely to be true than any other) when an army of Scots, commanded by Edward Bruce, attempted an invaſion of Ireland, about 140 years after the firſt introduction of the Engliſh, in the reign of Henry the Second *. The Iriſh Chieftains had nothing to do with that Parliament; nor the degenerate Engliſh; and thoſe Lords of Engliſh blood who were poſſeſſed of extenſive tracts of land out of the Pale, did not think the receiving of ſummons any very honourable circumſtance: the Earls of Deſmond even made it an expreſs privilege of theirs, never to come to any Parliament, or walled Town, but at their will and pleaſure. The Parliament of Ireland, previous to the times of James the Firſt, was in reality no more than a Colonial Aſſembly.

In the reign of the Prince we have juſt mentioned, the whole Iſland having been divided into Counties, and Boroughs erected in theſe, the

* See the Diſcourſe addreſſed by Sir John Davies to the Iriſh Houſe of Commons, to which he had been elected Speaker: it contains a very pretty account of the formation of the Parliament of Ireland, and of the deſigns of its meetings, in ſubſequent times. It is printed at the end of the ſecond Volume of Dr. Leland's *Hiſtory of Ireland.*

Parliament

Parliament of Ireland may be conſidered as having then begun to repreſent the Kingdom. But their conſequence could not be ſuch as to enable them yet to think of independence: they ſtood beſides actually in need of the authority of the Engliſh Legiſlature, and of the ſanction of Engliſh Acts of Parliament and Statutes, for ſettling their Country. During the Century that followed, Ireland either became the ſeat of civil wars, or was recovering from the devaſtation which they had occaſioned.

Since the beginning of the preſent Century, Ireland has acquired great importance as a ſeparate Kingdom and Nation. Ireland is equal, in the numbers of her inhabitants, to Scotland, and poſſeſſes ſome ſuperior advantages in regard to climate and goodneſs of ſoil: ſtill, reaſons have exiſted, which have prevented there, till theſe latter times, the riſe, or at leaſt the exertions, of that ſpirit of reſtleſſneſs and violent National jealouſy which uſed to take place in Scotland, and has conſtantly been manifeſted by thoſe Nations who, being poſſeſſed of conſiderable internal power, have been precluded from being the ſeat of the Government.

In the firſt place, the prevailing Intereſt in Ireland, even after the Catholic party had been ſubdued, were kept in a conſtant ſtate of alarm from the numbers and effectual ſtrength of that party. The degree of ſerious attention that continued to be given to that object, conſpicuouſly appeared from the manner in which the Crown was ſettled on the Houſe of Hanover by the Iriſh Parliament. The reader has ſeen in a former place, how great an advantage the Scots had taken of the event we mention, in regard to the Engliſh Nation, and to the Crown: they had ſtripped the latter both of its legiſlative and executive authority in their Country. The Iriſh Parliament, on the firſt propoſal made by the Lord Lieutenant, in the beginning of Queen Anne's reign, confirmed that Settlement which had been fixed upon in England; only adding another Act, by which Roman Catholics were diſqualified

from

from ſerving as Members of Parliament, and from voting at elections: they alſo availed themſelves of thoſe particular periods of time, in the ſame reign, when the preſent eſtabliſhment happened to be thought in danger, for obtaining farther laws againſt the Catholics, and at laſt, thoſe laws of Diſcovery which have been above mentioned. But they went no farther; even though the quarrel with the Engliſh Parliament, about Conſtitutional Supremacy, had been already ſeemingly engaged, a very few years before, on occaſion of the publication of Mr. Molyneux's Book, as hath been above recited.

At the ſame time that the Iriſh, as a diſtinct Nation, were thus weakened by their own internal diviſion, Great Britain either continued at peace with the reſt of the world, or was ſo ſucceſsful in her foreign wars, till the year 1763, that the internal ſecurity of her Adminiſtration was rather increaſed by them; while her outward force was augmented to a degree that precluded all thoughts of open defiance and overt oppoſition in any part of the Empire, to the operations of her Government.

Beſides thoſe diſadvantages in fact, Ireland and her Parliament laboured under others, in point of form. An hereditary revenue had been ſettled upon the Crown, in the reign of Charles the Second, which was more than equal to the expences of the internal Government of the Iſland: the Iriſh Parliament were therefore poſſeſſed of no effectual means to aſcertain the time of their ſitting, as they had no power to ſtop neceſſary ſupplies, either preſently, or after the expiration of a certain time prefixed by them. Neither had the Crown any want of their concurrence, either for regulating, or increaſing, the army in Ireland; as the practice was to have Mutiny bills for the whole Empire enacted, as well as the quantum of the forces ſettled, by the Britiſh Legiſlature. To theſe circumſtances of form it may be added, that the Iriſh Legiſlature poſſeſſed but a limited freedom of debate: they were in regard to the introducing of New Bills, and of getting them paſſed, under

thoſe reſtrictions which have of late years become the ſubject of public diſcourſe, under the name of *Poyning's* law.

This ſituation of Ireland and her Parliament, which we have juſt now deſcribed, has proved the cauſe why the ſtruggles of her People for independence on Engliſh Government, have continued, during the greateſt part of this Century, to be confined to wiſhes and vehement ſpeeches and publications. Even the meaſures entered upon by her Legiſlature, with thoſe views we allude to, were only attempts, as hath been above obſerved, only ſteps by which to try to enlarge their power and conſequence. Acquieſcence was paid to thoſe repulſes which they met with, from the Declarations, expreſſed in ſufficiently lofty language, of the two Houſes of the Britiſh Parliament, as well as to the checks which they did at times receive from the Lords Lieutenants, when they attempted to meddle with the hereditary revenue, or to offer ſhort money Bills, that is, for a ſhorter time than two years. And thoſe ſteps of theirs which had failed of ſucceſs, were ſeldom inſiſted upon, or renewed.

The facts that have been above recited give an exact ſtate of the Conſtitution of Ireland, conſidered as a diſtinct Kingdom, as it ſtood previouſly to the late diſputes. I mean to ſpeak of the Conſtitution of fact (*de facto*), merely. It is not my deſign to inquire into the Conſtitution *of right*,—or to examine into the doctrine of Mr. Molyneux, or the opinions of Locke, and other Writers on thoſe ſubjects. There is a certain particular knot to queſtions of this kind, which thoſe perſons who have diſcuſſed them, have not thought of: hence thoſe contradictions, and the viſible anxiety, which their Writings exhibit. But it is not my intention to ſay more in this place on the ſubject: I only intend to deſcribe the changes that have been lately effected in the political ſituation of Ireland: it was neceſſary for that purpoſe, to give an account of that mode of governing which was, in former years, adopted by the Britiſh Government, in that Country, and was acquieſced in.

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The real period at which affairs have began to preſent a different aſpect, and take a deciſive turn, in Ireland, was in the year 1778. It is alſo to be remarked, that, at that time, the Government of Great Britain, after being embarraſſed during ſeveral years by vehement domeſtic diſputes, was weakened by the defection of its diſtant Colonies, and the expenſive war in which it was involved by that defection: and a great European Power had juſt taken part in the Quarrel, and ſent its fleets and armies to act in concert with the Colonies. This was the time which the Men of influence in Ireland thought it adviſeable to ſeize as a proper opportunity for increaſing both their own private conſequence, and the particular advantages of that part of the Empire to which they belonged. This deſign which began to be purſued by the Iriſh Nation, at the time we are ſpeaking of, was no very extraordinary inſtance in the Hiſtory of Mankind. Taking advantage of the wants in which a Government ſtands of aſſiſtance, or of the fears it entertains of freſh and multiplied oppoſition, has been practiſed in all times and in all Countries, and is a mode of conduct which Great Men in Britain, and Members of the Britiſh Legiſlature, have no very particular right to condemn.

The firſt object to which the Leaders of the Iriſh Nation directed their endeavours, was, the repeal of thoſe reſtrictions that had been laid on their trade, by Acts of the Britiſh Legiſlature. In conſequence of the ſteps that were taken on that ſubject, in Ireland, either by addreſſes from public Meetings, or Parliamentary debates and reſolves, the affair was introduced into the Britiſh Houſe of Commons, in April 1778: by the motion which a Member made for that purpoſe, certain ordinances, relative to the trade of Ireland, were, on that occaſion, after ſome debate, altered.

Theſe alterations did not appear ſufficient in Ireland; and the public diſſatisfaction was again expreſſed in a loud, unequivocal manner. The ſubject was therefore again introduced into the Britiſh Parliament: and

the conſequence was, the repeal of the law paſſed in the reign of Charles the Second, prohibiting the planting of tobacco, together with a proviſion concerning the cultivation of hemp, which was meant for the benefit of Ireland. This was in the beginning of the year 1779.

Theſe conceſſions were not yet ſo fortunate as to give ſatisfaction. The ſenſe of the public was again declared; and the diſcontent was manifeſted by ſymptoms quite different from thoſe that had attended the complaints made in the time of King William, and the ſubſequent reigns. Towns and Corporations, as well as public Meetings of the People, took a ſhare, this time, in the conteſt. General agreements againſt the importation of Engliſh commodities were entered into, in imitation of what had been practiſed a few years before in America; and the refractorineſs of thoſe perſons who either refuſed to ſubſcribe theſe patriotic agreements, or did not fulfill them exactly, was puniſhed by thoſe ſummary and effectual chaſtiſements in the inflicting of which the populace uſe ſo laudably to co-operate. A very eloquent Agent alſo at that time began diſtinctly to make its appearance in favour of the Iriſh Public,—an Agent extremely ſerviceable for obtaining political ſucceſſes: I mean here to ſpeak of the Armed Aſſociations.

The moſt probable account of the origin of theſe Aſſociations, is, that they firſt began to be formed about the end of the year 1777. A Member of the Iriſh Houſe of Commons had, the preceding Seſſion, propoſed a bill for eſtabliſhing a national Militia, as the army ſtationed in Ireland had been gradually draughted, and ſent to America; which left the country defenceleſs, and the coaſt expoſed to the inſults and petty invaſions of the American privateers. The bill miſcarried: and, as the County which the Gentleman who had moved for the Bill, repreſented, and in which his eſtate lay, was ſituated on the Southern coaſt, he declared that his intention was to form a *Volunteer Militia* in his County, and to arm his Friends and Tenants. This declaration was ſoon after fulfilled. The ſcene of novelty, and various diverſion, which

became

became opened by the learning and practiſing of martial exerciſes, and the forming of military Bodies, ſoon diffuſed a temptation into the neighbouring counties, to imitate the example. The noiſe of arms, which was reſounding at that time, from the other parts of the Empire, was a farther incitement. To which muſt be added the real uſefulneſs of the zeal that was manifeſted by the People on that occaſion, as France, much about that time, began to act an open part in the war. The Aſſociations were ſoon formed in the North, as well as in the South. By the end of the year 1778, they had become in a manner general; and the number of the inliſted *Volunteers* amounted then to about thirty thouſand men.

As a concluſion of this account of the origin of the armed *Volunteer Aſſociations*, it may be added that, on the 18th of April 1782, beſides twenty-two corps, which had lately acceded to the Confederacy, but had not yet made any return. It may alſo be mentioned, that, Government having began, in the courſe of the year 1779, to gueſs at the kind of political engine the *Aſſociations* might be turned into, had made offers of Commiſſions and pay; which were declined:---they alſo ordered ſixteen thouſand ſtand of arms to be diſtributed, by way of ſhewing, we may ſuppoſe, that they were not afraid: theſe were accepted.

The Government, in England, had gueſſed right: the Volunteer Aſſociations had infuſed a new ſpirit into the Politics of Ireland. This ſpirit was caught, and openly manifeſted, by the Parliament that met in October 1779. The partial conceſſions in regard to trade that had been made from England, about nine months before, were ſpoken of in the Debates, in much the ſame terms as they were out of doors; and at length a Reſolution was paſſed, "That it is not by temporary ex-"pedients, but by a *free Trade* only, that the Nation is now to be "ſaved from impending ruin." This reſolution was added as an amendment to an Addreſs to the King; and the ceremony of delivering the ſame to the Lord Lieutenant, was graced by the preſence of the Dublin

Volunteers, who lined the ſtreets from the Parliament Houſe to the Caſtle.

In order to give weight to the addreſs, a ſhort Money Bill was ſoon after brought in. Notwithſtanding the novelty of the meaſure, the Bill ſucceeded; and being tranſmitted to England, it was there accepted: a circumſtance which might appear ſtill more unexpected.

The Addreſs that had been tranſmitted to the King, and the accounts that had reached England, relative to the proceedings in Ireland, cauſed the matter to be again brought before the Britiſh Parliament. Eloquent deſcriptions were given of the vehement diſpoſitions of the Iriſh Nation, of the numbers and martial ſpirits of their Volunteers: the Orators took care to extenuate nothing. The dread which the Miniſter entertained of hurting the intereſts, or prepoſſeſſions, of the Engliſh Manufacturers and Traders, whoſe patience, in thoſe difficult and expenſive times, it was ſo neceſſary to cultivate, now gave way to more preſſing conſiderations. A Bill was brought in by the Miniſter himſelf, and paſſed, by which all reſtraints were this time taken from the trade of Ireland: their trade was then placed on the ſame footing as that of the Engliſh Nation, both in regard to foreign Countries, and to thoſe poſſeſſions in the Weſt Indies, and elſewhere, which had till then continued to be denominated, Engliſh Colonies or Plantations. This was in February 1780.

The Advocates for the Iriſh Nation and Volunteers, had ſtrengthened their arguments with promiſes and predictions, that, after the benefits of free trade had been granted, peace and quiet would be univerſally reſtored in Ireland. The Miniſter had partly believed it. In fact, the ſplendor of the illuminations that were made in Dublin, and moſt other Cities, ſoon ſeemed to confirm the juſtneſs and ſagacity of ſuch expectations. However, ſubſequent events ſhewed that both parties were miſtaken.

Claims

Claims relative to trade indeed ceaſed to be purſued with the ſame warmth as before:---after obtaining an equality in that reſpect, it was rather impracticable to unite in aſking for more; at leaſt ſo ſoon. A tranſition was made to politics. And ſince the trading part of the Nation had been freed from bondage, it was natural to wiſh that the Nation at large might likewiſe be reſcued from conſtitutional dependence and ſlavery: beſides, if it were not ſo, there was danger that the Britiſh Legiſlature might treacherouſly reſume thoſe advantages which it had lately granted.

The wiſhes which Politicians in Ireland, now began to expreſs were, ---in the firſt place, to free their Nation and Legiſlature from any dependency on the Britiſh Legiſlature, by obtaining the repeal of the declaration Act paſſed in the 6th year of George I. that has been above recited, in page 59.

In the ſecond place, to reſcue their Courts of Law from the Juriſdiction of the Britiſh Houſe of Peers, and have this ſuperior Juriſdiction allotted to the Peers of Ireland.

In the third place, to ſet aſide the controul of the Crown, by the aboliſhment of thoſe reſtraints which were laid upon the Iriſh Legiſlature, in regard to the framing of New Bills, and of getting them paſſed. Theſe reſtraints, as the reader is very likely informed, were grounded on that Statute of the Iriſh Parliament, enacted in the reign of Henry the Seventh, which has been denominated *Poyning's* Law, from the name of Sir Edward Poynings, who was then Lord Deputy. This Statute was a kind of ſtanding Order of the Parliament of Ireland, paſſed into Law, by virtue of which, as it ſtood at firſt and for many years afterwards, no ſubject was to be debated upon, in Parliament, but ſuch as ſhould be firſt tranſmitted to England, and allowed by the King in Council, to be introduced. This Act, Sir John Davies ſays, (page 231.) "had been made at the prayer of the Commons, upon juſt and im-"portant cauſe:" it was probably meant as a protecting regulation, when

when the Commons only repreſented the four Shires of the Pale, againſt the Parliamentary enterpriſes of the Lords and great Subjects of blood. In ſubſequent times, a change was made in the above ordinance. New ſubjects might be introduced and debated upon, in order to form what was called *Heads* of a Bill. The Parliament of Ireland continued then to be under two reſtrictions: the one was, that the Privy Council of Ireland might ſtop theſe Heads of a Bill, refuſing to tranſmit them to England: the other was, that the Engliſh Privy Council, either of themſelves, or from the ſuggeſtions of the Attorney General, might make what alterations they thought proper in theſe Bills, and in ſhort finiſh the framing of them; in which ſtate, if it was thought proper to return them, they were ſent back, in order to their being laid, exactly as they ſtood, before the Parliament of Ireland, who were to accept, or reject, them, without alteration. Theſe two reſtrictions, the Public, in Ireland, as is above ſaid, wiſhed to have aboliſhed.

They alſo wiſhed that their Parliament might be inveſted with the power of paſſing Mutiny Bills; that is to ſay, of refuſing ſuch bills, for Ireland, when they ſhould think proper, or paſſing them for what time they pleaſed: the Crown being thenceforth to depend on them in that reſpect.

The independence of the Judges was alſo conſidered as an object very deſirable to be obtained.

The additional articles of freedom that have juſt been recited, began to be thought of in Ireland, after the liberty of trade had been obtained. In the night in which the ſtreets of Dublin were illuminated, (February 1780) hand-bills had been circulated, containing early exhortations to the Public, concerning thoſe articles. In April following, a Member of Parliament made a motion tending to the ſame objects: he was deſired to poſtpone. Warm and zealous writings alſo continued to be publiſhed, in order to inform the Public. At length the Volunteers thought they might poſſibly be uſeful to forward the buſineſs. In

order

order to render their advices more reſpectable, they formed a Congreſs, by means of their Delegates, who met at Dungannon. Theſe Delegates both cleared and ſettled the political notions of the Public: they reſolved what had till then only been wiſhed for: and, in a Declaration of about thirteen paragraphs, they gave deciſively their opinions in favour of thoſe articles of freedom that have been above recited.

It may be added in this place, that the numbers of the Volunteers had, during the two laſt years, kept continually increaſing. The Delegates, at Dungannon, had been ſent from a hundred and forty-three Corps or Aſſociations: other Corps were daily adding to them; and they were in poſſeſſion of an hundred and twenty-eight pieces of cannon.

As another fortunate circumſtance in favour of the conſtitutional freedom of Ireland, a change in the Adminiſtration of England, took place about that time (March 1782). The Miniſters who were then placed at the helm of the Government, manifeſted diſpoſitions of leſs reluctance than the Miniſter before them had done, in regard to gratifying the political wiſhes of the Public in Ireland; and they ſhewed themſelves to be perfectly convinced that the diſcontent and agitation that continued to prevail in that country, were owing to the inſufficiency of the ſteps that had been taken for ſatisfying them.

Steps were immediately taken for repairing the loſs of time in the preceding years. The new Miniſters were appointed on the 30th of March 1782. On the third of April they recalled the Lord Lieutenant of Ireland, and appointed another. On the ninth of the ſame month, one of the Miniſters introduced into the Houſe of Commons, the buſineſs of the diſcontents in Ireland, apologizing at the ſame time for not having done it ſooner. He repreſented "the beneficial conſequences "that would reſult to the commerce and proſperity, the eaſe and happineſs of both countries, from a ſpeedy gratification of the political "wiſhes of the Iriſh Nation."—He at the ſame time added, "That

"perſons

" perſons would ſoon arrive from that Country, who were to bring a " preciſe information of what were the wiſhes and what were the ex- " pectations of Ireland,---that, as ſoon as Miniſters ſhould be in " poſſeſſion of thoſe facts, they would communicate them, in order that " both Houſes together might then go hand in hand, and in certainty, " upon the buſineſs, and do it effectually. The only delay in the bu- " ſineſs, not a long one certainly, would ariſe from the procuring, and " bringing over, thoſe neceſſary informations; which delay he had no " doubt but the Houſe would allow, ſince their intentions were founded " in reality and *ſerioufneſs* *."

The Houſe admitted the propriety and uſefulneſs of thoſe meaſures, in general, which the Miniſter had juſt deſcribed, and granted the ſhort delay he deſired. Similar ſentiments were alſo expreſſed in the Houſe of Lords. While, at the ſame time, it was made publicly known, that a new Lord Lieutenant had been named for Ireland, and that his inſtructions were to be framed in conformity to thoſe ſatisfactory meaſures which were to be purſued.

To uſe diſpatch in England, in framing reſolutions for contenting the Iriſh Nation, and at the ſame time, to ſhew negligence and delay in conveying the information to them, would have been nugatory. As the Miniſter himſelf had obſerved, " the new Lord Lieutenant was juſt " ſetting off for Ireland: it was indiſpenſably proper, that, on his ar- " rival at Dublin, the People of Ireland might entertain no doubt of " the intentions of the new Miniſters, and the inclination of the Crown, " and the Britiſh Parliament." Such a neceſſary information was accordingly without loſs of time diſpatched. On the evening of the ſame day (9th of April), and as ſoon as the Miniſter had concluded his ſpeech, both the Secretaries of the new Lord Lieutenant, and of him who was recalled, ſeverally ſet out from London. A ſtate Meſſenger (Mr. Needham) had preceded them a few hours before.

* See Parliamentary Debates, and the Political Magazine for the year 1782, p. 421.

(CONTINUATION, BY ANOTHER HAND.)

The arrival of the two Secretaries in Ireland was immediately followed by that of the new Viceroy. And the Iriſh Parliament, meeting the very next day after the landing of the Duke of Portland in April 1782, was uncommonly crowded by ſtrangers, who had been drawn together by motives of curioſity or by zeal of patriotiſm. A new Governor, thus ſent to that diſtracted kingdom with ſuch uncommon diſpatch in the middle of a Seſſion, could not fail of being regarded as the bearer of important tidings; and the meſſage ſent by him to the Lower Houſe, together with the comments made upon it by the Miniſter who delivered it, ſoon gave the public to underſtand, that the purpoſes of his miſſion were of the laſt importance to the Iriſh Nation, particularly with regard to the conſtitutional queſtion which had been ſo warmly agitated, and was at length laid at reſt.

In anſwer to the King's meſſage, thus ſignified by the Lord Lieutenant, the Houſe voted an Addreſs to his Majeſty, declaratory of the rights of the People of Ireland, and fully ſtating the cauſes of their diſcontents. This declaration was introduced as an amendment to the Addreſs originally voted, and was the ſuggeſtion of Mr. Grattan, who was equally eminent for his eloquence and popularity. He prefaced his motion for the Amendment with ſome very forcible illuſtrations of the Declaration of Rights, which the Addreſs was intended to convey to the foot of the Throne. "This Nation," ſays he, "is connected with England, not by *Allegiance* only, but by *Liberty*. The *Crown* is one great point of Union, but *Magna Charta* is a greater. We could get a King any where, but England is the only country where we could get a Conſtitution. We are not united with England, as Judge Blackſtone has fooliſhly ſaid, by Conqueſt, but by Charter. Ireland has Britiſh privileges, and is by them connected with Britain. Both countries are united in Liberty." He then ſtated the terms which he conceived his country entitled to ſti-

pulate for the future ſecurity of her Conſtitution, and which are particularized in the Addreſs under a declaratory form; they were as follows:

A Repeal of the 6th of George I. including a Reſtoration of the Appellant Juriſdiction to the Lords of Ireland.

An Abolition of the unconſtitutional Power of Privy Councils;

And a Repeal of the Mutiny Bill.

A Judges Bill he refrained from mentioning, as he had heard that it was aſſented to in England. Theſe were the points which the people of Ireland had ſtrongly in view immediately after the enlargement of their Commercial Privileges had been obtained. They were deſired, as being in ſome meaſure cautionary, for the more ſecure and perfect enjoyment of both mercantile and political freedom; they had been firſt publicly avowed at the Dungannon meeting, as an object coinciding with the general wiſhes of the nation; and they were at length unanimouſly adopted by the Houſe of Commons, and voted by the Lords in Ireland.

The ſubject was reſumed in the Britiſh Parliament; and reſolutions paſſed both Houſes (May 17th) for repealing the obnoxious act, and for addreſſing his Majeſty that ſuch meaſures might be taken by the Government as ſhould eſtabliſh the connexion between the two kingdoms upon a ſolid and permanent footing.

Thus was the firſt ſtep taken towards allaying whatever diſcontents and jealouſies had ariſen in Ireland, on account of a Statute which ſeemed injurious to the national liberty of that Country. Its commercial and conſtitutional rights were thus ſettled on the baſis of equal independence with that enjoyed by the people of Great Britain. Theſe rights were not, however, as yet perfectly defined; and a ſeries of revolutions in the Britiſh Cabinet intervening, it was not till the following year, that the full independence of Ireland, both with regard to Judicature and Legiſlation, was finally ſecured. Another bill was paſſed in 1783, conſiſting of two parts, one of which confirmed and declared the meaning of the Legiſlature in repealing the 6th of George I.; and the other abandoned the exerciſe

erciſe of the appellant juriſdiction of Great Britain. By this law, the Supremacy of the Houſe of Lords in Ireland, in all matters of appeal from the inferior tribunals in that country, was thus finally eſtabliſhed. The buſineſs of a Mutiny Bill was alſo ſettled to the ſatisfaction of Ireland.

The conceſſions, which were thus made by theſe acts of the Britiſh Legiſlature in favour of the Siſter Nation, were of ſo liberal and deciſive a nature, as immediately to do away all unfavourable impreſſions that had ariſen in the latter on account of the invidious ſtate of political dependence in which ſhe had been ſo long held. They appeared, indeed, ſo ſatisfactory to a grateful people, and to the Parliament of Ireland at once vigorous and prudent, that the meaſures of Government were now received in that Kingdom with the moſt cordial ſupport. For, notwithſtanding ſome attempts were made by the more zealous Members for a reduction of the Military Eſtabliſhment on the cloſe of the American war, and for paſſing a ſix months Money Bill, both proved unſucceſsful; the motions for theſe ſeveral purpoſes being thrown out by majorities, which ſhewed the confidence of the Country.

The people of Ireland, having thus reſtored and improved their Conſtitution, were induced, from the effects, which had recently attended all their political endeavours, to carry the ſpirit of reform a ſtep farther. The inadequate ſtate of Parliamentary Repreſentation, together with the long duration of Parliaments, were conſidered as unconſtitutional and intolerable grievances. The Volunteers, therefore, who had before ſo ſucceſsfully ſpoken the voice of the nation, once more came forward, and, in a meeting of their delegates at Dungannon (September 8th 1783), pledged themſelves to each other and to their Country, to ſeek a ſpeedy and effectual redreſs of thoſe grievances, and to make every neceſſary exertion for obtaining it.

An aggregate meeting was alſo convened of the Citizens of Dublin, for the purpoſe of recommending this object of popular deſire: and here it was propoſed that five perſons ſhould be elected from each County, City, and

great Town in the Kingdom, to meet in a National Congreſs, at ſome convenient place in the Capital, in order to determine on ſuch meaſures as ſhould ſeem moſt conducive to the attainment of the Reform ſo anxiouſly deſired: A Petition was voted to be preſented to his Majeſty, explaining the ſenſe of the Nation upon the ſubject, and repreſenting, amongſt other cauſes of complaint, that a Bill for a more equal Repreſentation of the People had been rejected by their own Repreſentatives in Parliament even without diſcuſſion; that protecting Duties had been denied, which were deemed neceſſary for the encouragement of the infant Manufactures of Ireland, and which England had thought expedient, even in the preſent flouriſhing ſtate of her commerce. The petitioners finally prayed for the Diſſolution of a Parliament, which had viewed their proceedings with jealouſy, and rejected their deſires with firmneſs.

The meaſures, which were thus recommended at this aggregate meeting of the Citizens of Dublin, were afterwards repeatedly adopted, and Reſolutions ſimilar to the former were paſſed unanimouſly by other conventions of men who concurred in one deſign.

It is here to be obſerved, that a remarkable part of the Iriſh Reform was a communication of the Rights of Election to the Papiſts of that Country. This propoſal, which had been thrown in for the purpoſe of diſunion, met with the diſapprobation of ſome of the higheſt characters among the Volunteers; and it has been remarked of the whole plan, that, even if it ſhould be admitted as neceſſary in England, it by no means will follow, that it is neceſſary in Ireland. The Repreſentatives of Ireland are choſen by a much greater proportion of the people, who can be prudently qualified to vote, than in England. The change of property in the former country, and its divided intereſts, (the property and eſtabliſhed Government being comparatively in the hands of a few,) were ſaid to be objections againſt throwing the power of Election into ſuſpicious hands, more particularly as no qualification, with reſpect to property, is required for obtaining a ſeat in the Iriſh Parliament. With regard to the protecting

protecting Duties, which had been denied by the ſame Aſſembly to the earneſt calls of the Dublin Manufacturers, it has been affirmed, perhaps with juſtice, that they would have produced infinitely greater inconveniences than they were meant to obviate: for, if high duties were laid upon Engliſh Manufactures, the conſequence would be, that the Britiſh Parliament would not only retaliate, but the Iriſh muſt buy at an enhanced price, what they could not do without, which would diſtreſs, rather than relieve them.

The ardour of diſcuſſion, which had exerted itſelf upon conſtitutional queſtions, now again gave place to the intereſts of commerce. The political regulations had originally been applied to remedy evils comparatively remote in their effect, and often exiſting more in apprehenſion than in reality; they were attended rather with circumſtances of ſplendour than of immediate utility, and they were therefore juſtly regarded as leſs uſeful than extenſions of trade; but the changes made in the external Legiſlature of Ireland were inſtantaneouſly felt and enjoyed. Theſe changes, and the enlargement of her commercial privileges, had been conveyed in terms ſufficiently perſpicuous to the mercantile people of both Nations; but the immediate intercourſe between the two Iſlands, which was ſtill obſtructed by acts of the Britiſh Parliament, and by the prejudices of the Britiſh traders, required to be made more open and free, by an adjuſtment of ſuch points as had not been yet arranged.

For this purpoſe, it was deemed highly expedient, that whatever regulations might appear neceſſary ſhould be firſt diſcuſſed in the Iriſh Parliament, in order that the Britiſh Miniſter might be enabled to ſtate what that aſſembly had in expectation, and upon what terms they were willing to cooperate in the formation of a permanent ſyſtem. As this adjuſtment of commercial concerns was to bear the force of a Treaty, final and perpetual, between two independent Nations, touching their moſt obvious intereſts, it was natural for the Manufacturers and Merchants of both countries, who were immediately liable to be affected by its operation, to examine every

every part of the ſyſtem with the moſt minute and jealous attention. It was alledged, that the Union between England and Scotland, which is ſo finely recorded by De Foe, was a work of infinitely leſs conſequence than the preſent meaſure, and whatever might have been the obſtacles thrown in the way of the former, they were but trifling, when compared to the jealouſies, terrors, and apprehenſions excited by the proſpect of this incorporation of diſunited rights. Queſtions of a political nature may ſometimes be above the comprehenſion of the many; but where the intereſts of trading communities are ſuppoſed to be concerned, every artizan becomes as quick-ſighted as the moſt experienced negociator. The commercial arrangements between the Siſter Kingdoms were ſaid to be pregnant with the moſt tremendous revolutions in private property, as well as in the national wealth and proſperity of both Kingdoms: for every article of the regulations contained in them was reprobated on both ſides of the water, with a degree of heat and acrimony that is always moſt forward and apparent when founded in error.

The condition, requiring that the trade laws of both ſhould always be the ſame, alarmed the jealouſy of the Iriſh people for their conſtitutional independence. On the other hand, Great Britain regarded this point as ſo eſſential to the naval defences of both that ſhe ſeemed determined never to admit Ireland to a full participation of commercial privileges without a ſimilarity of commercial laws, which the Iriſh Legiſlature had often paſſed ſince the epoch of its independence. But ambiguous words were now plentifully ſcattered among the Iriſh people, which made them look with apprehenſion to the annual precedents of their own Parliament.

Though this ſyſtem has been mentioned as a compact final and perpetual, yet without enacting any thing, it contained only declaratory matter, which formed the ground work of future Acts of Parliament, that were to eſtabliſh ſpecific regulations conformable to the principles held forth in the general Reſolutions.

To

To ſpeak impartially of the merits of this buſineſs, it muſt be allowed to have originated in the deſires of the Iriſh Parliament, and in the laudable ambition of the Miniſter whoſe meaſure it was, to effectuate a comprehenſive and final underſtanding, between two kingdoms that ought to be united to each other by every tie of intereſt and affection. The appellation of Siſters was never more deſervedly applied than to Great Britain and Ireland. The hand of Nature itſelf has placed them under one Sovereign, enjoying a ſimilarity of Government and Conſtitution, and has connected them by the ſoundeſt alliance of mutual wants and reciprocal ſupplies. No wonder then that the furtherance of ſo great an object, as the cloſer connexion of two Countries, thus united by ſo many ties, ſhould be one of the firſt meaſures adopted by a Miniſter who wiſhed well to the proſperity of both. Called to the direction of national affairs at the cloſe of a ruinous and impolitic war between the Mother Country and her Colonies, he naturally aimed at retrieving her loſſes by the various arts of peace, and by the aids to be contributed by Ireland out of the ſurplus of her hereditary revenues. And apparently no means could be more eligible for effecting this purpoſe, than a ſyſtem, whoſe object was to enlarge and aſcertain the national advantages which mutually reſult from an intercourſe of commerce between the two Iſlands.

This opinion naturally ſuggeſts itſelf to an impartial reviewer of this tranſaction. For it cannot be ſuppoſed that a buſineſs of ſuch tranſcendent magnitude, would have received the ſanction of the Parliaments of the Siſter Kingdoms, had it been injurious to the commercial and political intereſts of both; though the objections raiſed againſt it were equally violent on both ſides. Prejudice, indeed, is not the growth of one ſoil more than another; and we need not look further than the Hiſtory * of the Union with Scotland, to ſee meaſures of the moſt approved utility impugned and calumniated by the ill-founded prepoſſeſſions of the day.

* See De Foe's Hiſtory of this famous Union.

It only remains to be obſerved, that the modification propoſed by the above mentioned commercial arrangements, appears (particularly in one article reſpecting the application of the ſurplus of the hereditary revenue of Ireland) to correſpond in its principle with a plan ſaid to have been propoſed a few years ago by a nobleman of the moſt reſpectable abilities, the ſubſtance of which is nearly contained in the following words:

"Would it not be wiſe in Ireland to ſay to the Britiſh Government, I will pay you a neat 7 or 800,000l. a year, applicable to your annual ſupplies, or paying off your debt, and leave the defence of the Kingdom entirely to your own diſcretion, on condition that I ſhall never have any military charge or penſions laid on me; the remainder of the revenue to be at the application of my own Parliament, for the uſes of interior Government only, and for the encouragement of the trade, manufactures, and agriculture of the Kingdom. That you ſhall give me in return a ſpecified freedom of commerce.---This ſurelywould be the wiſeſt bargain that Ireland ever made.---The Parliament of the Kingdom would ſtill retain both importance and buſineſs---and perhaps the advantages of an Union would be enjoyed without its inconveniencies; for the Parliament would remain for the civil protection of the Kingdom, and the Britiſh Legiſlature would not be deluged by an addition of Iriſh Peers and Commoners; one reaſon among others which made the late Earl of Chatham repeatedly declare himſelf againſt ſuch a meaſure." The Earl of Shelburne, adds the writer from whom this quotation is drawn, "has aſſured me of this fact; nor let me omit to add, that to that nobleman I am indebted for the outlines of the preceding plan."

The neceſſity of defining the commercial claims of the two Kingdoms ſtill ſubſiſts in all its force; and ſince the experiment failed which was intended to effect this, it has been argued that a commercial treaty of any ſort would be inſufficient for the purpoſe. For, it is ſaid, that no commercial treaty between two Kingdoms, with independent Legiſlatures, though under the ſame King, can, or ever will produce a real and

effectual

effectual conſolidation of intereſts. That is, ſuppoſing the treaty to be in fact admirably calculated for mutual advantage; yet, the idea of two independent nations ſtill remaining, the greater number will ever conſider their intereſts as diſtinct, independent, and often incompatible. That the mercantile intereſts of the two Kingdoms have been for ages regarded as incompatible, is evident from the ſevere reſtrictions that ſo long diſcouraged the commerce of Ireland. But if an effectual conſolidation of intereſts be the legitimate object of every commercial Treaty between two independent Nations, and if a deficiency of the mode be an argument againſt any particular treaty; then the project of a commercial Treaty with any foreign Nation, particularly with France, muſt be the moſt futile that ever could enter the imagination of an Engliſh Stateſman: for, who ever thought of an *effectual conſolidation* of the intereſts of France with thoſe of Great Britain, though the real intereſts of both may be promoted by a commercial agreement, ſtipulating reciprocal facilities? Yet, we have ſeen ſuch a treaty adjuſted and ratified between France and Great Britain, and have every reaſon to expect the moſt beneficial conſequences from its operation.

But the truth is, as muſt be obvious to a moment's reflection, that in ſuch treaties it is not a *conſolidation* of intereſts that is meant to be effected, but an *equalization* of them; not that the intereſts of both parties ſhould be to every extent the ſame, but that where intereſts are diſtinct, independent, and often incompatible, they may be ſo modified by mutual conceſſions, that neither party ſhall derive any advantage from ſuch arrangement, which ſhall not be compenſated to the other. Now there appears no reaſon why this ſhould not be as feaſible with regard to Ireland as to France, though a ſimilar attempt indeed has not turned out equally ſucceſsful, ſince political jealouſy proved too powerful for mercantile intereſt.

The failure of the late commercial arrangements between Great Britain

and Ireland, which had been ſo ardently deſired by the true friends of both, has induced many well-informed men to inſiſt, that an incorporate Union of the two nations is the only adequate and laſting remedy, which can prevent hereafter the inconvenience of mercantile altercations, or the danger of abſolute ſeparation. In ſupport of this opinion, they urge reſpectable authorities and weighty arguments. But, leaving the merits of ſuch a meaſure to the irrefragable deciſions of time, which frequently takes pleaſure, as it were, to expoſe the fallibility of political reaſonings, it muſt be admitted, that the Iriſh Privy Council, in 1676, and the Iriſh Houſe of Peers, during the reign of Anne, propoſed an incorporate Union, as the moſt effectual means of improving the commercial advantages of Great Britain and Ireland, and of ſecuring the ſtability of the Britiſh Empire upon a permanent foundation.

It is remarkable that this meaſure has been ſtrenuouſly recommended by advocates of all parties, and of both nations. An Iriſh writer, urging the advantages of a Union, has quoted authorities largely in ſupport of his opinion. As the grand remedy, ſays he, for the decline of foreign trade, Sir Matthew Decker propoſes to unite Ireland, and to put all the ſubjects of the two Kingdoms upon the ſame footing in trade. Sir Joſiah Child recommends the ſame meaſure. Dr. Campbell ſays, that the main drift of his Political Survey, was to open men's eyes on the importance of all the parts of the Britiſh territories, as being at once the only natural and certain means of eſtabliſhing the grandeur, procuring the ſafety, and fixing the permanency of the Britiſh Empire; a triple alliance, or rather ſtrict Union between England, Scotland, and Ireland, being the only league neceſſary to make his Britannic Majeſty the moſt potent Monarch of Europe.---Sir William Petty ſaw it in its true light at a very early period, and points out as the firſt impediment to England's greatneſs, that " the territories thereto belonging are divided into ſo many Kingdoms and ſeveral Governments. There be, continues he, three legiſlative powers in England,

land, Scotland, and Ireland, which, inſtead of uniting together, do often croſs upon one another's trade, not only as if they were foreigners to each other, but ſometimes as enemies."

To theſe may be added the opinions of ſome of the moſt intelligent and reſpectable living characters of the preſent age *. The Duke of Richmond, who, as a friend to Ireland, was expreſsly ſolicited by the Volunteer Delegates of that Country for his advice upon the ſubject of conſtitutional reform, thus frankly expreſſes himſelf in his reply to them. "I have always thought it for the intereſts of the two iſlands to be incorporated, and form one and the ſame Kingdom, with the ſame Legiſlature, meeting ſometimes in Ireland, as well as England.---I am ſenſible that there are great difficulties attending the adjuſtment of ſuch an Union, and that it requires great wiſdom and temper to form it, eſpecially on the part of Ireland, which muſt feel that ſhe ought to give the preponderance to Great Britain; but I am ſure that the buſineſs ought not to be neglected, and that every true friend to both Kingdoms ought to give it his moſt zealous aſſiſtance."

The ſame is the opinion repeatedly given by an eminent Divine, who has written frequently upon ſubjects of national importance, and whoſe writings, for ſound ſenſe, perſpicuity, and freedom from party, have juſtly commanded the public attention: the propoſal of incorporating both the Britiſh Iſles together, Dean Tucker repreſents as having long been the wiſh of every generous, diſintereſted Patriot of both Kingdoms, and the benefits that would reſult from it as equally intereſting and important to both.

That an Union between Great Britain and Ireland would produce no ſolid diſadvantage to the Iriſh commerce, is a poſition which ought not to be admitted, becauſe it cannot be eaſily proved: for, allowing every degree of ſplendour to the acquiſitions that Ireland has lately made in that reſpect, ſhe cannot ſurely be ſaid to enjoy at this moment ſuch well grounded

* Lords Sydney, Carliſle, Derby, Camden. See Stockdale's Parliamentary Debates, July 8, 1785.

hopes of flouriſhing by trade, as if ſhe were put in every reſpect upon the ſame footing with Great Britain. Indeed, were political prejudices, which ever regard ſhow more than ſubſtance, fairly laid aſide, and the genuine advantage of Ireland ſolely conſidered, that nation has every reaſon to wiſh for ſuch an event. "Ireland," as an ingenious writer of that Country remarks, though ſhe traces her antiquity to the remoteſt period, "is not four ſcore years old in the period of improvement;" nor is it probable, that, even with the advantages which ſhe has already obtained, her trade will make any conſiderable advances towards the flouriſhing condition in which that of Great Britain has been for a century paſt. "Enthralled as ſhe has long been," continues he, "by evil habits, the moſt perfect freedom will not at once emancipate her. Manners have a greater influence than laws. It will require much time and a foſtering hand to rear induſtry in that ſoil, though planted ever ſo carefully. Before it will bear the rich fruits of arts and commerce, a long ſeries of years will paſs away. As a horſe that has been thrown and bound to have ſome operation performed on him, yet continues to lie ſtill after being looſed from all his cords, juſt ſo would it be with Ireland. A conſiderable portion of time muſt elapſe before ſhe would begin to exert the powers that ſhe poſſeſſed."

Ireland, as Sir Matthew Decker juſtly obſerves, is too poor to carry her trade to the extent of which it is capable, ſo that were it as free as it is poſſible to make it, *which can only be effected by an Union*, it muſt nevertheleſs be ſtill carried on by Engliſh ſtocks. Conſequently, adds he, a great part of the profits of it muſt fall into the hands of the Engliſh merchant. The immediate balance of advantage between the two iſlands, muſt certainly be for ſome time in favour of England. Nor can any ſenſible change happen in the Iriſh trade, in caſe of an Union, or in any other caſe that can poſſibly affect it, at leaſt for this generation, unleſs the Engliſh merchants ſhould open warehouſes in the ports of Ireland, and then they would profit themſelves without injuring their native country. This method has already been adopted in the linen

trade

trade of Ireland, which owes much of its ſucceſs to the Engliſh capitals embarked in it. But this method will by no means become general, or even take place to any conſiderable extent, while the two iſlands continue in any other form of commercial relation, than that which an Union would create. The reaſon of this is plain, the Engliſh merchant will never embark his capital in what he conſiders as a foreign country, the trade of which being under regulations in many reſpects very different from the Britiſh, will not have ſufficient attraction to induce him to renounce, or forſake, even in part, the traffic with which he is well acquainted, and the profits which he hath long enjoyed. But he will be far leſs diſpoſed to make this renunciation in favour of a ſpecies of traffic which he probably conſiders as interfering to a degree of ſtrenuous rival-ſhip with the proper commerce of his native country. Whereas both Governments being united internally and externally, their code of commercial regulations being of courſe one and the ſame, the mercantile intereſts of particulars, though trading on different ſides of St. George's Channel, will alſo be perfectly the ſame, nationally conſidered; that is, they will be as much the ſame as the intereſts of merchants trading from the ſame country can be, which do not immediately claſh or interfere in a private view; they will be regarded as conducing to the general proſperity of the ſame commonwealth. Like bees labouring for the ſame hive, they will no longer look upon each other as belonging to a ſwarm of interlopers, but range the vaſt fields of ocean with concord and unanimity, gathering the riches of all-bounteous Nature, whereſoever induſtrious enterpriſe ſhall point them out. There will always be enough for all. No trade can be overſtocked in a free country, if the departments be fitly arranged. There will be room enough at all times for the exerciſe of all the induſtry of both countries without claſhing.

Finally, it has been demonſtrated, and is a truth generally received, that a poor nation can never carry away from a rich one, thoſe manufactures, the cheapneſs of which depends chiefly on large capitals.

Much

Much has been ſaid of the cheapneſs of living in Ireland; the diviſion of labour, and habits of induſtry; but the Scotch live not more expenſively than the Iriſh, yet experience proves that no Engliſh manufacture has been injured by their competition ſince the Union.

It may not be amiſs here to obſerve, that the removal of thoſe impolitic commercial reſtrictions and diſabilities which were formerly laid upon Ireland and its conſequent extenſion of trade, has entirely changed the ſtate of the queſtion, with regard to the expedience of an Union between Great Britain and Ireland; conſequently the greateſt part of the arguments uſed in ſupport of it, previous to that æra, as they tended to prove the advantageous effects to Ireland, of ſuch an enlargement of trade, aſſumed as a circumſtance neceſſarily connected with and reſulting from the Union, are now inapplicable; as, on the other hand, the objections of thoſe who feared the pernicious conſequences to Great Britain, of allowing ſuch unlimited commercial privileges to the Iriſh, as this Union would create, are equally done away. The emancipation of the commerce of Ireland, has proved experimentally to the advocates for the queſtion, that many of thoſe advantages which they deſcribe, can exiſt independent of an Union, and to its oppoſers, that the diſadvantages apprehended from it to the trade of England have been in a great meaſure imaginary.

The principal objections therefore to an Union on the part of Ireland at preſent, are the encreaſe of abſentees; the want of a Parliament for protection againſt the officers of the crown; and laſtly the increaſe of taxes. The firſt and laſt objections, if they are admitted to be evils, imply the impoveriſhment of the Kingdom, and were objected in Scotland againſt the Union which has taken place; but the fact is directly otherwiſe, and Scotland ſince that fortunate epoch has continually augmented her opulence. Nor can a nation be thought on any mercantile principle to be a loſer, which exchanges the reſidence of idle country gentlemen, for a numerous race of induſtrious farmers, manufacturers, merchants, and ſailors. As to taxation, it ought to be conſidered that it always did, in every ſtate,

follow

follow proſperity and wealth, when neceſſity required, or prudence directed, for the public welfare. The ſecond objection ſeems to have been nearly as ſtrong in the caſe of Scotland, and yet the evil has had no exiſtence; the four Courts of Dublin would of courſe remain, though the Governments were incorporated; nor does it appear that any great protection reſults to individuals from a Parliament, which the law of the land does not give. Yet upon this ground of objection, every corporate town in Ireland would, no doubt, ſound the alarm againſt an Union with Great Britain; for, as they would ſome of them loſe the rights of returning members to Parliament, and of courſe their conſequence, they would repreſent every plan of incorporation as pregnant with diſhonour and ruin, while intereſt would concur with vanity, to repreſent that as extremely dangerous which might be uſefully ſafe.

People accuſtomed to the pomp and pageantry of ſtate come at length to lay a high value on them. Nor are the Iriſh ſingular in their attachment to ſuch matters. It was provided by a clauſe, added to the articles of the Union of Scotland, that their Crown and other regalia ſhould remain at Holyrood Houſe. And ſuch was the popular prejudice againſt the Union, while the treaty was in negociation at Edinburgh, that it became neceſſary to call in the army to protect the houſes and perſons of thoſe who were ſuppoſed to favour it.

It is obvious, on the other hand, that England would gain from the opulence of Ireland, which would bear a part of the expences of their future wars, without ſharing in the burthens of the exiſting debts. Some aſſert, that Ireland is already taxed higher than England, if the trade and reſources of both Nations be conſidered; but in reply to this it has been obſerved, that Ireland is rather unequally than heavily taxed: for reſidents there pay but little, and abſentees pay no large contribution towards the expences of Government. Equitable taxation therefore can only be expected from an incorporation with England.

It may indeed be ſaid, "Why ſhould we contribute to leſſen the incumbranes

cumbrances of Britain?" For the beſt of reaſons. A junction of both Kingdoms, inſtead of being pernicious to the one, by involving her in a participation of the debt which the other labours under, would, from the proſperity that muſt thence accrue to both, enable not only Britain in a greater degree, but Ireland, to contribute to the diminution of the preſent national incumbrances. From being two diſtinct Sovereignties they would coaleſce into one ſtate with a better chance for ſtability than in their divided condition, and the leſſer Kingdom, by becoming, under theſe circumſtances, a part of the united whole, would reap ſuch advantages as to enable her, in the midſt of encreaſing proſperity, to pay her proportion with eaſe.

That ſuch would be the advantageous effects of an Union on the commerce and wealth of Ireland, is rendered probable by one improvement which remains to be mentioned, and which would be the certain conſequence of an Unity of Legiſlature. It is undeniable that the laws are in much leſs force in Ireland than in Great Britain. The ſtate of ſociety in the former country would owe much to a vigorous and impartial adminiſtration of juſtice, ſimilar to what obtains in the latter. The violent outrages that are unaccountably permitted to exiſt in one Province of Ireland, while they render the property and domeſtic peace of individuals uncertain, will ever be an unſurmountable bar to the flouriſhing of internal Commerce; without which it is impoſſible for any Nation conſtantly to derive any advantage from the happieſt eſtabliſhments. The picture that is drawn of theſe violations of order and law in Ireland, by a publick-ſpirited Prelate of that Kingdom, is really alarming.

" The preſent proceeding, ſays he, is not a paroxyſm of phrenzy originating with ignorant and raſh peaſants, but a dark and deep ſcheme planned by men ſkilled in law and the artifices by which it may be evaded. Theſe enemies to the publick peace, though nominal Proteſtants, ſuggeſted to the farmers to enter into a combination under the ſanction of an oath, not to take their tithes, or to aſſiſt any Clergyman in drawing them; and a form

form of ſummons to the Clergyman to draw, penned with legal accuracy, was printed at Cork, at the expence of *a gentleman of rank and fortune*, and many thouſand copies of it circulated with diligence through the adjacent counties. In order to render theſe oaths univerſal, the Whiteboys, ſometimes in numerous bodies, ſometimes by delegates from ſuch bodies, tendered them at the Romiſh Chapels and market towns. At the ſame time, to avoid the appearance of intending to rob the clergy of their whole maintenance, they publiſhed, and the newſpapers copied, a tithing table, which, however, was never generally adhered to by them. The rates propoſed by their ſeveral parties varied in different pariſhes, and in the ſame pariſh at different times, as the terror of their number increaſed. In ſome pariſhes theſe diminutions were followed by a reſolution to admit no compoſition for tithe. It is worth remarking, as an evidence that the *poor* were not the authors of this diſturbance, and that their relief was not the real object of its promoters, that the Whiteboys did not aim to render *potatoes* tithe free, but from the beginning inſiſted on annihilating the tithe for *hay*."

Here it may be obſerved, that the wealthy graziers in Ireland, who form perhaps the principal part of the landholders, being, by a very impolitic act of the Legiſlature, exempted from paying tithes of agiſtment, would, in this caſe, almoſt abſolutely ceaſe to contribute to the maintenance of the eſtabliſhed Clergy, "whoſe duties are more arduous than thoſe of their Engliſh brethren, in proportion to the oppoſition of Diſſenting ſects in Ireland, and more laborious in proportion to its want of civilization. And in no country in Europe," adds the worthy Prelate, "do they require ſo general an information in religious controverſies, and at the ſame time ſo great a ſhare of civil prudence in the Pariſh Miniſter, as in this Kingdom, diſtracted as it is, more than any other country, by jarring ſects, and in a political ſituation delicate beyond any other, from its inferiority in power to the Sifter Kingdom, and from the various objects of rivalſhip and jealouſy between them. This combination," continues he, "was as effectual to

deprive the Clergyman of almoſt his whole income as forcible oppoſition, and had tithes been their only object, they had no motive to proceed further. This, however, did not content them. *They took the arms out of the hands of Proteſtants*, whom they could not ſuſpect of employing them in defence of tithes. They levied ammunition, and money for the expreſs purpoſe of purchaſing warlike ſtores; forced individuals who had taken tithe to ſwear to break through their agreement; menaced and ill treated perſons who ſerved proceſſes, or ſhould appear at the aſſizes to prove contracts for tithes; proceeded to commit ſavage acts of cruelty on the ſervants of the clergy, and at laſt to attack their perſons; to force them to ſwear to give up their property, to prepare graves for them, and to threaten ſome with tortures and death. They intimidated veſtries from levying money for the repair of churches, for the payment of the legal ſalary of the officers attending the Church, or the purchaſe of elements for the Holy Communion; refuſed payment of Church rates, and reſcued the goods diſtrained for the ſame by the pariſh officers; nailed up one Church, and bound themſelves by oath to burn another; they broke open Gaols, ſet fire to hay and corn, and even to houſes, eſpecially thoſe occupied by the army; and at laſt had the audacity to threaten the cities of Limerick and Cork, and the town of Ennis, the capital of Clare, with famine, and to take meaſures for interrupting a ſupply of proviſions by public menaces to fiſhermen and farmers; they threatened to burn a whole town, unleſs a Whiteboy confined there was releaſed: but the circumſtance which appears moſt alarming, (as it is the ſtrongeſt evidence of ſyſtem,) is their having eſtabliſhed a kind of Poſt Office for communication, by which probably they are enabled to convene ſuch public meetings as their own notices prove they actually hold. Into this ſtate of ſavage anarchy they have reduced the province of Munſter, and continue nightly expeditions for their grand object, that of *ſa rm ing the Proteſtants and arming themſelves*, not only in that province, but in that of Leinſter, *within fifty miles of the capital*. What were the motives, let the meaſures declare; what

will

will be the effect on the Proteſtant religion and intereſt, and of courſe on the connexion of this country with Great Britain, unleſs the Legiſlature ſhall take a firm, decided part, is too evident."

This is, doubtleſs, a hideous picture, which an amiable painter has drawn from the life. It ſpeaks to the feelings of Great Britain and Ireland; how much an Union between them would promote a ſimilar adminiſtration of law in both, with the ſame effects of peaceful deportment and laborious application. *From doing nothing, we learn to do ill.* When reſtrained by wholeſome coercion within the bounds of law, and when deprived of occaſions of violating the public tranquillity, the lower orders may be gradually weaned from habits of turbulent poverty, and embrace in exchange the more eligible enjoyments of decent competence and real freedom.

Upon the whole, an incorporate Union of Great Britain and Ireland may be pronounced a moſt deſirable object to both Kingdoms; yet it is certainly not without its difficulties. Every meaſure of ſuch extraordinary magnitude, muſt be ſuppoſed to meet with a proportionable oppoſition. In the adjuſtment of ſo weighty a buſineſs, beſides the obſtacles that ariſe from the very nature of it, inveterate prejudices, and contending intereſts, would not fail to create many additional hinderances. All theſe might, however, be obviated, and finally removed, by the temperate management of well-choſen commiſſioners from both countries. It may, perhaps, be juſtly aſſerted, that the Union of England and Scotland was a work far more delicate, and ſtill more difficult from ancient prejudices, and recent innovations, than would be found, if attempted, with Ireland: for, ſuppoſing the external obſtacles originating from human paſſions to be equally out of the queſtion in both caſes, the perfect ſimilarity of the conſtitutions of England and Ireland, both as to church and ſtate, would make the people of both much more eaſily coaleſce. No ſmall part of the difficulty, that was encountered in the Union of Scotland and England, aroſe from their difference of Church Government, ſince even now,

though theſe Kingdoms are incorporated, their religious eſtabliſhments, as De Foe remarks, are only confederated: on the other hand, the eſtabliſhed Churches of England and Ireland are the ſame in both Kingdoms. Thus one half of the obſtacles which then occurred, would not be found to exiſt in the negociation for an Union with Ireland.

At the ſame time, it muſt be owned, however great the expedience may be, that we can hardly expect any future period to preſent ſo favourable a juncture, nor any thing like the ſame relative ſituation between the two Kingdoms, as took place at the time of the Union with Scotland. Innumerable cauſes operate to make it unlikely, that we ſhould ever recur to the terms upon which the Governments of England and Scotland then ſtood; nor indeed is it to be deſired that we ſhould. The formidable ſtrength of England, owing to a ſucceſsful foreign war, or rather a continued ſeries of the moſt brilliant victories, enabled her Government to carry her point, however unpalatable the Union might have been to a great part of the Scottiſh nation. This age has ſeen the caſe reverſed, and Great Britain in circumſtances extremely different; but if Scotland has felt the advantages of an Union with England, which parties admit, in augmented commerce, wealth, and tranquillity, and if the ſame beneficial effects are juſtly to be expected from an incorporate Union of Great Britain and Ireland, it would be honourable to both parties, as well as conducive to the general harmony of the Empire, were ſuch a meaſure adopted, from a clear conviction how many advantages would reſult from it to both.

This argument has been ſtated by the reſpectable Divine, whom I have already mentioned, with ſo much brevity, clearneſs, and force, that I was induced to publiſh at large the THIRD PROPOSAL of DEAN TUCKER, in 1750, for incorporating the *Britiſh Iſles* into ONE KINGDOM, thinking every

every reader would be glad to peruſe the ſentiments of ſo able a writer on ſo intereſting a ſubject.

"III. PROPOSAL.

To incorporate both the Britiſh iſles together, and to make one Kingdom in all reſpects as to Parliament, trade, and taxes.

This propoſal of incorporation has long been the wiſh of every generous diſintereſted patriot of both kingdoms. And indeed, inxpreſſibly great would be the benefit on both ſides. The Iriſh would ſhare in the advantage of our trade, and we in theirs. By permitting them to get rich at the expence of the French, they would be enabled to eaſe us of the burden of the worſt and heavieſt of our taxes:---whereas at preſent, the French, through our own unaccountable infatuation, get rich at their expence. By this mutual benefit, neither Kingdom would be looked upon as foreign to the other: but the goods of both would be imported duty-free, or perhaps be conſidered only as coming coaſt-wiſe. The hoſtile prohibition againſt wearing, or uſing the produce of either Kingdom, would be repealed; and all that unnatural war between the commerce of the two Nations, would be at an end: which would be attended with theſe further happy conſequences, That many of the neceſſaries of life would be imported cheaper into England, than they now can be purchaſed; a great advantage this to the merchant and manufacturer:---and many more of the luxuries, ornaments, and delicacies of living, would be exported from hence into Ireland. For moſt certain it is, that in proportion as Ireland grew rich, they would take the lead for the richeſt of their cloaths, furniture, plate, jewels, equipages, &c. &c. from England. Likewiſe the inducements of being near the Parliament, the Court, the public funds, &c. would bring many more Iriſh families to reſide, and ſpend their fortunes here, than now do. In ſhort, whatever wealth Ireland would draw from other countries by its produce, manufactures, and happy ſituation; all that would continually center in England.

But

But here, methinks, I hear SELF-INTEREST making an outcry, "they would run away with our trade." But pray, let me calmly aſk, Who would run away with it? or where would they run to? Why truly our own people, our own countrymen, (who may as juſtly be called ſo, as the inhabitants of any neighbouring county,---and are ſome of the beſt, and moſt faithful ſubjects the Government has) would perhaps carry ſome part of a manufacture from us to themſelves.---But what detriment would this be to the public? The People of Yorkſhire have done the very ſame thing by Gloceſterſhire and Wiltſhire. Let us therefore have a meeting of the clothiers of theſe two counties to petition the Parliament, that the Yorkſhire looms and mills may be all broke and deſtroyed: for they have run away with our trade.---This is ſo ridiculous and abſurd a propoſal, that I believe there is no perſon living, but muſt ſee and feel it to be ſo. And yet let me aſk, Is not this the very caſe with reſpect to the objection againſt incorporating with Ireland? Or if there be a difference between the two caſes, I ſhould be glad to know wherein it conſiſts? Is Ireland to be looked upon as a diſtinct Kingdom?---More is the pity: for as the two Kingdoms have but one common Head,---one common intereſt both in Church and State,---the ſame friends,---and the ſame enemies; they ought to have been long ſince conſolidated together.---But allowing it to be called a diſtinct Kingdom at preſent, till it is united: ſo is Yorkſhire a diſtinct county, and was formerly, in the times of the Heptarchy, a kingdom likewiſe diſtinct from the two counties above mentioned. Is Ireland a great way diſtant from England?---Yorkſhire is at a greater diſtance ſtill from the counties above mentioned, and the communication between them is not ſo eaſy by land, for the purpoſes of commerce, as the other is by ſea.

"But Ireland is more advantageouſly ſituated for the trade to the Weſt-"Indies; therefore---" Therefore we muſt deny our own people the benefit of trading, becauſe they are advantageouſly ſituated for carrying it on. This is a weighty argument: Briſtol, for inſtance, is better ſituated

ated for the Iriſh trade than London; therefore let us Londoners petition, that the port of Briſtol may be locked up.

It would be an endleſs, and a tedious piece of work to wade through ſuch groſs and palpable abſurdities. One thing is plain and obvious, that ſelf-intereſt, the bane of all public good, is driven to hard ſhifts, in order to cover ſuch views as ſhe dare not openly avow. If England itſelf was divided into two kingdoms, one comprehending all the ſouth, the other all the north ſide of the Thames, and there were hoſtile prohibitions againſt importing certain ſorts of goods from London to Southwark, and *vice verſa*, and high duties upon all the reſt: many individuals on both ſides, would find their own private intereſt in upholding the diviſion, and would cry out, upon any propoſal being made for an Union--Theſe foreigners will run away with our trade---They are better ſituated than us---Our trade is in danger. But would this cry weigh with upright men on both ſides, who had the welfare of the community truly at heart? ---If it would not, what ſhall we think of the ſame argument when urged againſt Great Britain's incorporating with Ireland?"

THE PREFACE.

IN writing a Hiſtory of the Union, it could not be reaſonably expected that I ſhould go any farther than the finiſhing, ratifying and exchanging the treaty in the reſpective Parliaments of the two nations to be united; and this, I think, I have finiſhed in the following ſheets.

However, ſince the work has laid longer in the preſs than I at firſt expected; and ſome remarkable things have in conſequence of, and very much depending upon the Union, happened ſince, I could not ſatisfy myſelf, without giving a ſhort abridgment of the ſtate of things, between the time of finiſhing the treaty, and the publication of this work, which though it be rather a kind of ſummary recapitulation of things, than a hiſtorical narration, may yet be equally profitable to him that ſhall inquire into the affairs of the united kingdoms at that time.

The Union took place, as has been noted, the 1ſt of May 1707; the management of the revenue, the trials in the Exchequer and Admiralty, were all ſettled on a new footing; commiſſioners of the cuſtoms, exciſe and equivalent were appointed; Judges of the Court of Exchequer; a new Admiralty, and their reſpective offices were all fixed; the coin was reformed, and intirely reduced to the Engliſh ſtandard (the ſmall copper money only excepted) weights and meaſures were regulated in part, and the reſpective alterations and models, whether in government or commerce, enacted by the Union, began every where to be put in practice.

The Britiſh Parliament had been aſſembled at Weſtminſter, according to the treaty, and had been concluded with a general ſatisfaction; and her Majeſty began to ſee the complete end of her wiſhes, in the Union being actually conſummated; the northern Peers and Commons ſitting, and that too with a general ſatisfaction and applauſe in that firſt Parliament of Great Britain.

In this Parliament, ſeveral things were done for the better improving, and as it was called then, rendering more effectual the Union, particularly that of diſſolving the Privy Council, re-eſtabliſhing the ſeſſions of the peace by juſtices, &c. ſettling the militia, and making lord lieutenants, deputy lieutenants, &c. in every county as in England; of all which, particular mention is made in the following ſheets. Several regulations alſo in trade were made here, for the

eaſe of North Britain; particularly the removing the difficulties of bringing foreign imported goods from Scotland to England, and the great debate about the wine, brandy, &c. brought into Scotland, in the interval between the finiſhing and effectual taking place of the Union, was put to an end, intirely in the favour of Scotland, every thing being cleared at once, and all interruptions of commerce thereby removed.

But in the middle of all this harmony, an accident intervened, which if it had not been mercifully prevented by the immediate interpoſition of a Divine Power, had at once unravelled all this happily-finiſhed conſtitution, and that in a manner that the moſt violent oppoſer of the Union, could not in his warmeſt thoughts have honeſtly wiſhed to have ſeen.

This was the French invaſion; which endangered not the Union only, but bid fair for overturning the whole frame of the preſent eſtabliſhment in church and ſtate, tearing up the very foundation of our conſtitution, I mean the Revolution; and reſtoring not only tyranny and arbitrary government, but even Popery itſelf, that had ſo many years ſince, and at ſuch expence of blood and treaſure, been dethroned in Scotland.

I ſhall need to bring very few arguments to prove this to have been the immediate conſequence of the ſucceſs of this expedition, after I have given a ſummary account of the matter of fact, which is briefly as follows:

About January 1707, frequent advices from Holland and Flanders gave the Government notice, that the French were making great preparations at Dunkirk, for ſome ſecret expedition; upon farther ſearch into the matter of fact, it appeared that ſeveral men of war were fitting out there with the utmoſt expedition, and unuſual quantities of arms and ammunition providing, with a large train of artillery; which were all to be ſhipped forthwith on board the ſhips fitting up as above.

Theſe advices were ſtill ſeconded with others, till at laſt the French themſelves making it no longer a ſecret, and ſome of the men of war being ready, they ordered the ſtores, arms and ammunition to be actually ſhipped on board, drew their troops down to the ſhore, and openly declared that this expedition was deſigned for Scotland, to re-inſtate the King of Great Britain, ſo they ſtyled the Pretender, in the poſſeſſion of his lawful dominions, as they called them; and this they ſaid was done at the earneſt requeſt of his ſubjects in that kingdom.

It is true, and moſt people thought it reaſonable to judge, that it was not probable the King of France would embark in a deſign of ſo great conſequence, had he not received invitations from Scotland: however, the deſign not ſucceeding, thoſe correſpondencies never came to be effectually diſcovered; and therefore the Houſe of Lords, in their addreſs to her Majeſty, take notice, that

that the King of France making an attempt to invade her Majeſty's dominions, with ſuch a contemptible force, was a ſufficient evidence that he muſt have encouragement from ſome perſon in Scotland diſaffected to her Majeſty's government.

However, the ſtricteſt inquiſition after theſe correſpondencies could never make any conſiderable diſcovery, though many perſons were taken up, which ſeemed to be owing rather to the miſcarriage of the deſign, the French never coming on ſhore with any forces, and their friends on ſhore being too politic to ſhew themſelves till they ſaw their troops on ſhore, and in ſome poſture and condition to protect them:—There were ſeveral gentlemen taken up upon general ſuſpicions, which, though it gave ſome offence to the people, was thought neceſſary at that time.—Of which by and by.

About the end of February, theſe preparations of the French were come to ſuch a height, and the deſign of invading Scotland ſo out of doubt, that the government here thought it high time to prepare for the defence of Scotland; and to that purpoſe, her Majeſty wrote a letter to the Privy Council in Scotland (which, though determined to expire by an act of Parliament, yet was in being and had power to act till the firſt day of May following). In this letter, her Majeſty gave them notice that ſhe had received information of an intended invaſion, backed with a French and Popiſh power, deſigned againſt Scotland, in favour of the Pretender; and therefore recommended to them the ſecurity of the kingdom, the preſervation of the public peace, and that they would uſe all poſſible means to that effect.

In the mean time, vigorous preparations were made in England for preventing the deſigns of the French, as well by equipping a fleet to intercept them at ſea, and ſo prevent their landing; as by providing forces to give them a warm reception, in caſe they ſhould land in Scotland.

I know there were complaints made, and endeavours uſed to expoſe the conduct of Government in their preparations; ſuggeſting that due care was not taken to put Scotland in a poſture of defence, in caſe the French had landed: and a certain noble perſon cauſed the letters of the Earl of Leven, the General in Scotland, which were written in the midſt of that hurry, and in which his Lordſhip wrote in preſſing terms for aſſiſtance, to be printed:—But when theſe things came to be examined in Parliament, it appeared otherwiſe than thoſe gentlemen repreſented, and the Parliament received full ſatisfaction, that all the diligence was uſed which the nature of the thing would admit.—But be that as it will, by the event we found that Providence bleſſed the meaſures taken, ſo as that they not only prevented the execution of the deſign at Edinburgh, but diſſpirited the party in ſuch a manner, that they durſt not make the attempt any where elſe, which they might have done with too much effect, and might but too well have made themſelves amends for the diſappointment, by ruining the country, and keeping the affairs of Britain in longer ſuſpence.

I ſhall however, without meddling with theſe diſputes, which are dead with the thing, ſhew by the mere relation of fact, that England was in no condition to have made any preparation that could have been effectual to prevent the landing of the French;—and thus all they had done, as to ſtores, magazines, or arms, as the thing then ſtood, had been only leaving the greater booty to the enemy, and furniſhing them with weapons to uſe againſt ourſelves, ſince the number of troops, or the condition of the fortifications of Scotland, were ſuch as could make no tolerable reſiſtance, nor ſo much as protect the magazines, if any had been erected.

But to return to the preparations made in England:—Firſt, with incredible celerity all the men of war that could be found in any condition were fitted out, manned, and victualled in order to put to ſea, and wait for the enemy's fleet; and the expedition in this caſe was ſo ſurpriſing, that the French, who had been informed, that the Engliſh navy was in no condition to offer them any diſturbance in their deſign, and upon which preſumption, they owned afterwards, they made their deſign public, found, to their diſappointment, ſixteen Engliſh men of war cruiſing before Dunkirk, before they (the French) were in any condition to put to ſea. This however did not put a ſtop to their deſign, but they went on with their equipment; and their fleet being ready, they embarked their troops about the fifth of March, their whole force conſiſting of 28 ſail of ſhips, whereof 16 were men of war, and 12 were large frigates, or privateers; their land forces conſiſted of 15 French battalions, and about 300 volunteers, the moſt part Iriſh, being to ſerve as officers for the raiſing new regiments in Scotland. Theſe forces being on board with the Pretender, and ſome few Scots gentlemen, particularly the two ſons of the Earl of Middleton, with the old Lord Griffin, &c. They came out of Dunkirk about the ſixth of March, commanded by the French Admiral Monſieur Fourbin.

In this time the diligence of our Admiralty was ſuch, though England was at that time very bare of ſhips, that the Engliſh ſquadron before Dunkirk was made up to 36 ſail, including ſome Dutch men of war that had alſo joined them; and as the French fleet lay in Newport Pits, watching an opportunity to ſail, ſo the Engliſh lay off of Graveline, ready to ſtart with them, and reſolved, if poſſible, to engage them in their paſſage.

However, the French truſting to their canvaſs, the cleanneſs of their bottoms, and their nimble ſailing, reſolved to put to ſea, though, as it were, in view of a ſuperior force; and accordingly, the wind blowing freſh at north-weſt, they weighed and ſet ſail. The various courſe of the fleets, and the ſucceſs, as to the ſailing part, was the ſubject of much diſcourſe; I ſhall therefore be the exacter in it, ſince it was wondered very much how the French, who lay in view of the Engliſh fleet, could ſo get the ſtart of them, as to be at the Firth of Edinburgh about two days before them; by which, had they not overſhot their port, they might have fairly put their deſign in execution, notwithſtanding all the power of the Engliſh and Dutch fleet at their heels.

The

The wind, as I noted before, blew at north-weſt a freſh gale, and the French weighing upon the top of high water, went away with the tide of ebb to the northward, keeping the Dutch coaſt on board, which was then the weather-ſhore.

The Engliſh lying in Graveling-Pits, had the following diſadvantages in the purſuit; firſt, that it was about eight hours after the French were ſailed, before they could get notice of it, and be under ſail.

It was indeed wondered at by ſome, why the Engliſh fleet, knowing very well that the French were deſigned for Scotland, which was north; and that they lay in Newport Road, ſhould themſelves lye in Graveling, which was at leaſt 25 miles to the ſouth; by which means, whenever the French ſhould ſail, they would neceſſarily be behind them a conſiderable way.

But this is anſwered by the ſailors, and which I ſhall not undertake to confute, viz. that it blew very hard, the wind at north, and north-weſt; and there was no other place where the Engliſh fleet could ride with ſafety.

I ſhall leave this diſpute as I find it, and content myſelf with only naming it, as I ſhall others that came after it.

Be it as it will, the matter of fact was ſo;—the French fleet being ſailed about eight hours before, advice was brought to Sir George Byng, who weighed with all expedition, and followed with all the ſail he could make.

Sir George had alſo another diſadvantage, viz. That the French ſailing with the firſt of the ebb, he loſt a tide of them, ſo that in their firſt ſtarting, the French had the advantage of the Engliſh fleet, as follows:—Eight hours in time.—Twenty-five miles in ſpace.—And the ebb of the tide.

With theſe helps, and having firſt left out the lower tire of their guns to make them light for ſailing, their ſhips being clean, and new fitted, the French ſhips alſo being really better ſailors, generally ſpeaking, than ours; with theſe helps, I ſay, they got a very great ſtart of the Engliſh in their firſt ſetting out.

When they came to ſea, another thing happened, which gave them a yet farther advantage of the Engliſh;—the French fleet kept a large offing, as they call it, keeping to windward all the way rather nearer the German coaſt than the Britiſh.

The Engliſh fleet bore away for their own coaſt, and were ſeen off of Lowſtoff and Yarmouth, and from the ſhore of Norfolk.

The reaſons for this different ſhaping their courſe ſeem theſe;—the French were by all means poſſible to avoid the Engliſh ſhore, leſt they ſhould be taken ſhort by the wind, and might be embayed, and conſequently overtaken, having a ſuperior force behind them. Alſo it was not fit for them to be ſeen before they came to the Firth, that they might not give the alarm to the Engliſh to be ready for them.

On the other hand, the Engliſh made their own coaſt, leſt the French ſhould fall in there with their merchants, and ſweep the coaſt of their ſhips: which had they done, they might indeed have made great havock.

However it was, theſe diſadvantages gave the French ſuch a ſtart of the Engliſh,

liſh, that they were on the coaſt of Scotland two days before the Engliſh fleet, and had not Heaven blinded their pilots, ſo as to miſs their port, they might have put their deſign in execution in ſpite of all our forces.

On Friday March the 12th, they made the coaſt of Scotland, but found themſelves the height of Mõntroſs, about fifteen leagues to the north of the mouth of the Firth of Edinburgh, here they made ſignals, and ſome boats going off to them, they were informed where they were, then they ſtood away ſouthward, and ſpent all that day before they got to the mouth of the Firth.

Now they ſent one ſhip, viz. the Saliſbury, up the Firth, whether it was to make any ſignal to their party, to give notice of their coming, or to get any intelligence, remains yet undetermined; they made the Firth juſt as the tide was ſpent, and were therefore obliged to ſpend ſix hours more at anchor, under the Iſle of Maii, in the mouth of the Firth, and here, on the fourteenth, early in the morning, they find themſelves overtaken, their ſcouts diſcovering the Engliſh fleet ſtanding in for the mouth of the Firth.

Here then, they find their enterprize at an end, their moments are gone, in which they might have put their errand in execution, and now they have no more to do, but to make the beſt of their way to ſea.

Upon this, therefore, they weigh, and ſtand away for the north with all the ſail they can make, and the Engliſh fleet after them.

The foremoſt of the Engliſh ſhips came often within gunſhot of them, but not ſo many as could ſtop their fleet, or bring them to engage, but they maintained a kind of running fight with thoſe of the Engliſh that purſued, in which little harm was done on either ſide, ſave that in the night, one of their ſhips, being the Saliſbury, formerly taken from the Engliſh, fell in among the Engliſh fleet, and being ſurrounded was taken.

With this booty, and the French out-ſailing the Engliſh, Sir George Byng having purſued them to the north-eaſt point of Scotland, called Buchanneſs, ſeen them ſeveral leagues to the north of that, and at laſt loſt ſight of them, he returned to the Firth of Edinburgh; and keeping his fleet in a ſailing poſture, with his ſcouts continually abroad to gain intelligence of the enemy, he continued in the Firth till the beginning of April; when the government having intelligence that the French were returned into Dunkirk with their fleet, Sir George Byng was alſo ordered ſouthward with the Engliſh fleet, and ſo the whole war on that ſide ended.

I come now to ſpeak a little of the preparations made by the Engliſh, by land, in order to meet this new irruption; ſuppoſing the French had landed,—which indeed was not without hazard.

In order to this, ſuch troops as were at hand, were immediately ordered to march northward, particularly they ſent away two troops of the Queen's horſe guards, the Duke of Northumberland's regiment of horſe, with the three regiments of dragoons of Eſſex, Raby and Carpenter; beſides which, two regi-

ments

ments of dragoons, and one regiment of horſe were ordered to march to the north of Ireland, to lie ready there to be embarked on the firſt orders.

Of foot there were thirteen battalions then in England ſent forwards, including the Queen's guards, and ſome new raiſed, not quite compleat, and ten battalions from Holland.

It is to be obſerved, that as ſoon as ever the certainty of the deſigned invaſion came to the knowledge of the States, they ordered tranſports immediately to carry ten battalions of Britiſh troops to England, to aſſiſt the Queen's troops there; and when Sir George Byng purſued the French fleet, as above, he ſent Admiral Baker with twelve men of war into Holland, to bring thoſe troops to Newcaſtle upon Tyne, that ſo being landed there, they might be ready to join the land army, and the ſhips to join the fleet.

The forces being thus appointed, marched all northward, but the rendezvous was appointed at York; for the Generals knowing the troops in Scotland to be weak, and not aſſured how the people there would behave themſelves in general, had reſolved not to march any troops into Scotland till the whole army was aſſembled, that they might march in a body; and to this purpoſe the Earl of Leven, with the few forces he had in Scotland, was ordered, if he could not prevent their landing, to make his retreat to Berwick.

The forces, when all together, would have amounted by computation as follows:

	Horſe.		
In England,	2 troops of guards and horſe grenadiers		500
	Northumberland's horſe — —		450
	Dragoons three regiments, about —		900
			1850
	Foot.		
	13 battalions in England 10 battalions from Holland	about	12,000
In Ireland,	Horſe and dragoons about —		1000
	2 regiments of dragoons, very thin, about		400
	1 troop of horſe-guards and grenadiers		250
	Foot.		
In Scotland,	2 battalions of guards 1 Grant 1 Maitland 1 Strathnaver.	— —	2000

So

So that the whole army, when brought to a body, was ſuppoſed to amount together as follows:

Horſe and Dragoons,			
England	—	1850	
Ireland	—	1000	
Scotland	—	650	
			3,500
Foot,			
England	—	7000	
Holland	—	5000	
Scotland	—	2000	
			14,000
In all	—		17,500.

Beſide which, the Dutch had prepared a ſecond convoy to ſend over twelve battalions more, if there had been any occaſion.

A train of artillery was preparing at the Tower of London, and was in good forwardneſs, ſo as it might probably have been at the rendezvous as ſoon as the troops could have well been drawn together.

I have been the more particular in this, becauſe I am drawing every thing to the reader's view, that he may judge of ſome conjectures I ſhall make concerning the probabilities of the ſucceſs of this enterprize, and what might reaſonably be ſuppoſed to have been the iſſue of it, ſince ſome people have been ſo weak as to ſay, it had been better for us to have let them come on ſhore, and that we ſhould immediately have cruſhed and defeated them.

It remains now to inquire how the people of Scotland behaved themſelves in this critical juncture, and what condition they were in there, to have received the French.

As to the condition of Scotland at that time; it is to be confeſſed, the French had all the encouragement imaginable to make ſuch an attempt, from the circumſtances of the place, and the temper of the people. As to the circumſtances of the place, it is evident that the country was intirely naked, and in a manner defenceleſs.

The ſtanding forces were few.

The militia juſt in the middle, between diſſolving the old model, and erecting a new, ſo as they were abſolutely diſbanded, without commiſſions, without officers, and without any form.

The fortifications out of repair.

The magazines empty.

The new government unformed.

The people divided.

It muſt be confeſſed, never was nation in ſuch a condition to be invaded; and there

there is no doubt, but had the French landed their forces, and got their ſtores of arms and ammunition on ſhore, as they might eaſily have done, if they had not overſhot their port—they would with very little oppoſition have been maſters of the whole country.

It may be thought by ſome remote to my purpoſe to demonſtrate this; but when I conſider, what differing notions the people in England have of the attempt of the French and of their ſucceſs in it; I cannot think it an uſeleſs labour to give you a brief eſſay, at what the event of that enterprize might probably have been, that ſo we may ſee what we have to be thankful for.

I am now to ſuppoſe the French ſafe on ſhore, their magazine and train of artillery landed, and the Earl of Leven, the General for her Majeſty, retreating towards Berwick, as he muſt undoubtedly have done, and as his orders directed him to do, without which his retreat being cut off, he muſt have been ſurrounded and taken, or have been cut in pieces, having no place of ſtrength to retreat to.

Had they been thus on ſhore, there is no doubt, but in two hours they had been maſters of Edinburgh, an open city, and without defence; the Caſtle indeed might have held out ſome time, but the city could have made no reſiſtance. But that which was worſe, the circumſtances of the time was ſuch, and the people were ſo divided, that the city muſt have ſent down to Leith to have ſought protection from the French againſt their own rabbles, and they muſt have deſired the French to have come and taken them into their protection, to have preſerved them from plunder and confuſion.

I think, whatever the reaſons of this were, which I deſire to bury in ſilence, the fact will be readily granted; and indeed all men owned at that time, that if the French landed their forces, they muſt be maſters of the city of Edinburgh without any oppoſition.

It is true that I am now but upon ſuggeſtion and mere ſuppoſition, and I do not affirm poſitively; but I leave it to any man to judge of probabilities, and whether what I ſuggeſt is rational or no. When the French were thus poſſeſſed of Edinburgh, it is very reaſonable to imagine that the firſt thing they would have done, was to proclaim their king: if the magiſtrates of the city would not have agreed to have performed the ceremony, the Tolbooth was near at hand, and the citizens being aſſembled, could ſoon have choſen new magiſtrates, who would chearfully have done it.

Their King being proclaimed, it ſeems rational to ſuppoſe, they ſhould next ſummon the inhabitants to take an oath of fidelity to him; ſuch as refuſed would have their eſtates confiſcated, and perhaps be impriſoned; and if they got room to flee, would have their houſes plundered.

Being thus maſters of the capital, and the Queen's troops having fled or retreated towards Berwick, the country expoſed to their power; I think I make no treſpaſs on good manners or juſtice, if I ſay, the northern Highlanders would have been ſoon raiſed by the influence of their ſuperiors, who are for the

moſt part Jacobites; theſe being in arms, the Lowlands are at their mercy, and they had ſoon poſſeſſed themſelves of the whole country, the Militia being entirely without a head, and without order, unlocked from the former ſettlement, and unfixed in a new.

Being thus poſſeſſed of the Lowlands, they ſoon would have been maſter of the whole country; and indeed there was very few that durſt ſhew their faces againſt them, the forwardneſs of one party, and the diviſions and diſorders of the other making way for it. When they had thus reduced the Lowlands, they had no more to do, than to call a Convention of Eſtates, as at the Revolution; and finding theſe faſt to their intereſt, the firſt laws ſhould be to reſcind the revolution, declare the limited ſucceſſion a viſible rebellion, and an invaſion of the right of another, and thus a compleat national turn ſhould have paſſed upon us, and the Revolution ſhould ſuffer a re-revolution in a few weeks, for theſe things would require but little time: neither is it preſumption to ſuppoſe, they ſhould have gotten a repreſentative returned, that would have come into ſuch meaſures, ſince they having the abſolute poſſeſſion of the country, the influencing them under ſuch circumſtances, to the chooſing ſuch perſons as they ſhould think fit to put upon them was eaſy enough, inſtances of which have been but too common in this iſland, under a leſs tyrannical power than a French army.

While they were thus ſettling their civil government, their military affairs could not have failed; the inclination of the common people about Edinburgh, and the influence of the chiefs and heads of clans in the Highlands, would have ſoon furniſhed men for new revolutions, the ſixteen regiments which they brought with them, (ſo it ſeems they had determined) ſhould have had two hundred men added to every regiment, by way of filling up—five regiments of dragoons, and forty battalions of foot was to have been raiſed immediately; the command of theſe troops was to be given to Iriſh officers, and of ſuch, they brought great numbers with them; ſave only that the colonels and ſome captains, were to be choſen of the ſuperiors or chiefs where they were raiſed, to encourage the raiſing them.

Thus in leſs than ſix weeks, they ſhould have had 30,000 men added to the troops they brought with them; the money they would have given the Highland gentlemen, would effectually have brought theſe gentlemen to forſake their party, and join with them, and then the deſign would have gone on beyond expectation.

We are next to enquire what was to become of the Engliſh preparation all this while? You have heard what ſtrength they were of when come together; but it could not be poſſible that they could be all brought together, their magazines furniſhed, (for the French would have taken care, they ſhould have ſubſiſted ill enough in Scotland) their train of artillery have been come up, and they in condition to have marched into Scotland in battalia, as they muſt have done, under ſix weeks or two months; the difficulties of the roads, the country

being at that time very deep, and the carriages heavy, would have made it very bad, marching an army; and the want of forage would have made it impracticable to have done it ſooner.

All this time the French and Jacobites in Scotland would have had to have ſtrengthened their new ſettlement, formed their army, fortified Leith and other places, and have prepared for war.

I ſhall as readily grant as any body can deſire, that when the Engliſh army came to be ready, and to enter Scotland, they ſhould beat theſe new invaders out of all; and that they ſhould in time pay dear for the attempt; but it muſt be granted this would have theſe conſequences withal: 1. That it would have ruined Scotland, 2. Brought the ſeat of war home to our own doors. 3. Cauſe a diverſion of our forces, and be an occaſion of withdrawing our troops from Flanders, where the enemy felt the greateſt weight of the war. And 4. Have exceedingly protracted the war. Thoſe gentlemen that were for having them land, may conſult theſe probable conſequences, and they will ſee, whether they have not very good reaſon to be ſenſible of the happineſs of the diſappointment.

I cannot but take notice here of the temper of the people of Scotland at this time; none will doubt, but the minds of men were variouſly agitated, as their ſeveral tempers, intereſt and party guided them.—Hope on one ſide, and fear on the other, diſcovered itſelf in a manner which both ſides would fain have concealed; nor was there wanting a party, who openly and avowedly profeſſed their deſires to have the French land, and their reſolution to join with them, and this in ſo open, ſo rude, and ſo threatening a manner, as gave juſt cauſe of terror to the honeſt loyal party, on the other hand, who ſaw themſelves inevitably ruined, if the French landed, by their own rabbles; the other party having openly threatened and marked out the houſes of ſuch families as were moſt eminent for their zeal to the eſtabliſhed government.

It was expected, and indeed apprehended very much in England, that thoſe of the Preſbyterians, who had before vigorouſly appeared againſt the Union, and profeſſed their diſlike of it upon all occaſions, would have appeared againſt the government, at this juncture, and either have joined with the invaders, or have formed a third party, and ſo have made a diviſion, which had, in its kind, been equally fatal.

But in this alſo they were diſappointed, for the people who were moſt warm againſt the Union, nay even the Weſtern men, who do not own or join with the Church, yet all, as one man, declared againſt joining with French invaders, Papiſts, and a returning tyranny, which they eaſily foreſaw muſt be the conſequence of an invaſion; and therefore, laying aſide all their old animoſities, private grudges, and cavils at the Union, &c. they unanimouſly declared their reſolution to ſtand together, and with their lives and eſtates to defend the government and their country againſt all the powers of France and the Pretender;

and to this end they began to form aſſociations; the Burghers of Edinburgh liſted men, and ſubſcribed for their maintenance, ſome ten, ſome twenty, ſome more, and in other places they were preparing to do the like. The Weſtern men ſent them word they would come and join with them, if there was occaſion; and in the mean time ſome of the people called Cameronians made their open proteſtation againſt it.

This was a very great encouragement to the Government at that time, when the vaunts of the other party run high, and their hopes were great. But God, in his providence, prevented the evil conſequences of this affair, as you have heard: And the good people, who had made great appearances of unanimity, found themſelves delivered another and an eaſier way.

It happened very well at this time, that the Commiſſion of the General Aſſembly was juſt ſet down, and the Miniſters, ſeeing the ſtorm coming, both on the eccleſiaſtic, as well as civil liberties of the nation, religion and property being viſibly ſtruck at together, in the flood of foreign deſtruction, plainly threatening to ſwallow up both, appointed a ſolemn faſt to be kept over the whole country.

I ſhall make no comments on the ſubject matter of this faſt: the act of the Commiſſion does ſufficiently ſhew the ſenſe of the Miniſters, and in what manner the invaſion was like to be reliſhed among them, and therefore I have inſerted it in this place, to record the temper that appeared at that time; and what hope the Pretender, or his party, had ground to raiſe upon the ſuppoſed diviſions of the Preſbyterians about the Union.

An Abſtract of the ſaid Act of the General Aſſembly is as follows.

At Edinburgh, the fifth of March, one thouſand ſeven hundred and eight years.

THE Commiſſion of the General Aſſembly, being ſenſible of the great wickedneſs, and crying ſins of all ſorts, abounding amongſt us in this Church; and being, in the juſt judgment of God, threatened with an invaſion by an enemy that hath employed his power for the ruin of that holy religion which we profeſs, and the enſlaving of Europe; and who deſigns to ſet a Popiſh Pretender upon the throne of theſe nations, to the utter overthrow of the true reformed religion, all our intereſts ſacred and civil, and all that God hath graciouſly wrought for us by the late happy Revolution, and hitherto preſerved to us; and being ſenſible of what we owe in gratitude to our only rightful and lawful Sovereign Queen Anne, do look upon it as our duty, with a regard to the honour of God, the preſervation of our religion, the quiet of her Majeſty's government, and the good of our country, to humble ourſelves before the Lord; and to call all perſons in this national Church to humiliation, faſting and prayer, to turn to God

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in Chriſt, our only propitiation, and to cry mightily to him, that for the blood of his Son, he would forgive our grievous ſins, give us a ſound and underſtanding heart, remove our ſpiritual plagues, and to unite us to God, and to one another in him; that he would avert the deſerved wrath from theſe ſinful lands, in diſappointing the deſigns of our bloody and cruel enemies, defeat the threatened invaſion, maintain peace and truth amongſt us, bleſs the Goſpel with ſucceſs, by the effuſion of his Spirit, preſerve her Majeſty's perſon, direct her councils, proſper her arms by ſea and land, and bring theſe wars to ſo happy an iſſue, as may be for the relief of our oppreſſed brethren abroad, and the ſecurity of the Proteſtant Churches.

And the ſaid Commiſſion hereby appoints the firſt Thurſday of April next, to be religiouſly obſerved in all the congregations of this national church, as a day of ſolemn faſting, humiliation and prayer for the cauſes above-mentioned; and appoints the miniſters of this church to make intimation of the premiſſes, publicly from their pulpits, upon the Lord's day immediately preceding the aforeſaid day of humiliation, and to be more particular in ſpecifying the ſins of theſe lands, as they ſhall ſee cauſe.

This faſt was approved of by the Privy Council, and their civil ſanction given thereto.

And the Queen, in her letter to the General Aſſembly, 1708, did ſhew her ſatisfaction with the zeal and affection the Miniſters of this church had ſhewn at that juncture.

The greateſt part of all the Preſbyteries of Scotland, and Synods, addreſſed the Queen alſo on the ſubject of the invaſion; and the General Aſſembly declared their ſentiments thereof; 1ſt. In their anſwer to the Queen's letter; 2dly. In their addreſs to her Majeſty; And 3dly. In their national thankſgiving, inſerted in their printed acts, pages 6, 8, 10, 12, 13.

Beſides all this, many pariſhes drew up addreſſes to the Privy Council, ſhewing their reſolution to venture their lives and fortunes in defence of her Majeſty's perſon and government; and craving leave to put themſelves in a poſture of defence; and in many places the Preſbyterians did ſubſcribe for conſiderable ſums, to be paid when called for, in order to buy arms, and to maintain men for the ends aforeſaid. Some burghers in Edinburgh, ſubſcribed to maintain 50 men, ſome 40, ſome 30, ſome 20, and ſome who were poorer, ſubſcribed for fewer; and all this was done by the advice, and with the allowance of perſons intruſted in the government by her Majeſty.

But this is not all, the ſeaſonableneſs of this ſolemn faſt was ſuch, and ſo ſerviceable to the Government, being brought out at the very juncture of time, when the eyes both of friends and enemies were upon them, that it muſt be acknowledged it ſhewed not only the zeal of the Preſbyterian Miniſters for the Queen, the Government and their eſtabliſhed intereſt; but it ſhewed their wiſ-

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dom and prudence in ſo happily timing an action of that determining conſequence, and taking the very moment of its being moſt effectual, as well to convince the enemy that they had nothing to expect that way, but the whole united force of the Preſbyterians againſt them; to ſatisfy the Government and the Engliſh nation, among whom jealouſies of the contrary had been induſtriouſly ſpread; that the Preſbyterians, one and all, would declare againſt the invaders; as alſo to ſettle and determine ſuch among themſelves, if any ſuch were, who might be otherwiſe unfixed in their reſolutions, and doubtful what courſe to take.

Nor was this all, but the Miniſters in Scotland, in their reſpective pariſhes, upon the occaſion of the ſaid faſt, applied themſelves to the informing their people, what the real views and probable conſequences of this attempt were, what was threatened to their Church, to their eſtabliſhed religion, to their liberties, to their Proteſtant ſucceſſion, and to the Revolution; how, whatever the ſpecious pretences of preſerving the eſtabliſhed Church might be, Popery in principle, and Tyranny in practice, were certainly incompatible with the Proteſtant eſtabliſhment of Scotland, which was founded in liberty, depended upon law, and could not ſubſiſt, humanly ſpeaking, but upon the ſupported baſis of law and liberty together; that the invaſion was a viſible appearance of French and Popiſh tyranny, the ſame that for twenty-eight years had influenced the councils and governments of Scotland, while they trampled on the Church of Scotland, ſilenced their preaching miniſtry, perſecuted and barbarouſly murdered their innocent brethren, and bid defiance to the laws of God, and the liberties of Scotland; that theſe days would inevitably return upon them, and that all the miſeries they had formerly felt, were effectually contained in the womb of an invaſion.

By this method the Miniſters opened the eyes of the whole nation, and the people, rouſed by this happy vigour in their clergy, began to ſtir every where; immediately a new face appeared upon the public affairs, the general dejection and heſitation, which ſeemed before to make the people look dark and unreſolved, was quite removed, and nothing was to be ſeen among the Preſbyterian party of the people, but aſſociations, addreſſes, preparations for fighting, fitting up their arms, and a cheerful reſolved temper of fighting the French wherever they were to be found.

Some of the Miniſters themſelves were ſo vigorous in this, that they cauſed their whole pariſhes to aſſociate and bind themſelves, one to another, and all together to the Government, to ſtand as one man againſt the invaders.

The ſervice this did the Government, the encouragement it gave in England, and the diſcouragement it gave to the Jacobite party at that juncture, was ſuch, as the laſt eſpecially will not eaſily forget; and I thought it very uſeful to tranſmit the memory of it thus to poſterity, that they may know how their anceſtors acted in this great affair, and how they ought to act on the like occaſions.

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In this poſture the affairs of this iſland ſtood, when the French, baffled by the immediate hand of God's providence, in miſſing their port, were purſued by the Engliſh fleet, and made their eſcape by the goodneſs of their ſails to Dunkirk, where their troops were put on ſhore, and ſo the expedition ended.

The ten battalions which came from Holland to Newcaſtle, were not at all landed, but went immediately back, and were in the field again time enough to ſhew themſelves in the firſt of the campaign;—the Engliſh troops marched back without entering into Scotland; the priſoners taken on board the Saliſbury were brought to Hull, and treated as priſoners of war, in order to be ſent over to Holland for exchange.

The Lord Griffin, with the two ſons of the Earl of Middleton, and 15 Iriſh reformed officers were carried to London; the three firſt were committed to the Tower, and the Iriſh to Newgate, being to be tried as traitors againſt the Queen, whoſe natural born ſubjects they appeared to be.

The Lord Griffin having been formerly attainted and outlawed, it needed not that he ſhould be brought to any trial: but, being carried up to the Queen's Bench bar, he received ſentence of death on the foot of the ſaid outlawry, without any trial; however, the Dauphin of France having wrote a particular letter in his behalf, to the Duke of Marlborough, to intreat the Queen's mercy to him, and that he (the Dauphin) made it is requeſt to the Queen, the Lord Griffin being his ſervant;—the ſaid Lord Griffin was reprieved from time to time, and is yet living in the Tower, at the publiſhing theſe ſheets.

The Iriſh officers alſo, and the Lord Middleton's ſons remain yet priſoners.

On the other hand, great heats and diſputes happened about the gentlemen who were taken up upon ſuſpicion.

The Parliament, in the heat of the alarm, had paſſed a bill ſuſpending the Habeas Corpus Act for a time, ſo far as ſhould concern the perſons apprehended on this account, and empowering the Queen to take up, and keep in priſon, ſuch perſons as there ſhould be ground to ſuſpect were guilty of confederating with, or encouraging the invaders.

Had the gentlemen concerned been apprehended in any other juncture, they would perhaps have had no other trouble than to have lain ſtill, and when the thing had been over, have been releaſed again, as was done at that time in Ireland.

But the fury of our diviſions on either hand run ſo high, that this could not be: Some thought the perſons taken up had more hand in the invaſion than appeared, and that they ought not too lightly to be let go, leſt it might encourage both them and others to make the like attempt again.

And theſe were very warm for proſecutions, and for propoſing rewards to encourage perſons to come in to charge the priſoners, and would have all manner of methods tried to faſten ſomething upon them.

Others again inveighed againſt the Miniſtry in Scotland, as having partial and party-regards in the picking out ſuch or ſuch perſons to put in priſon, on pretence

tence of this ſuſpicion, as might gratify the private deſigns of particular perſons, either as to private pique and perſonal revenge, or to prejudice their intereſts in elections, there being a new Parliament then to be choſen.

Theſe contentions, however grounded on either ſide, had certainly this effect, that they gave a great deal of trouble to the priſoners, which otherwiſe might have been avoided; for the Miniſtry ſeeing ſuch pointing at probable guilt on one hand, and ſuch complaints of injuſtice on the other, found it neceſſary to make the proceedings more formal, and to have all the gentlemen up to London, that they might either be proſecuted, or let out upon bail, as the Council ſhould direct.

Upon their coming up to London, they were all admitted to bail, except four, who were committed to priſon, and were after ſent to Scotland to be tried; but theſe however were acquitted, the Lords of the Juſticiary and her Majeſty's Advocate differing upon ſome forms; particularly the Lords refuſing to admit the Lord Advocate to produce more witneſſes, after the firſt day of trial.

It is not my buſineſs to enter into this diſpute, otherwiſe I could be more large on this head: But the Government was ſo ſenſible of the inconveniencies of the old method of proſecuting upon treaſon, from this nicety, that preſently upon this the Parliament reſolved to bring in a bill to make the laws for trials, in caſes of treaſon, the ſame in Scotland as in England.

From this period is alſo to be dated the diſtractions which followed in the affair of religion, and of which I think it is very material to ſpeak, becauſe they have made a great noiſe in the world, and every one is not rightly apprized of the thing, particularly many have entertained prejudices againſt the good people in Scotland, as if they had been acted by a ſpirit of paſſion and perſecution, when indeed, upon a full and clear examination of the matter of fact, the contrary will evidently appear; and therefore I could not ſatisfy myſelf without doing this piece of juſtice to the church and people of Scotland; as to give an impartial relation of the fact, as it is atteſted out of the public regiſters, by the proper officers: and being myſelf an eye and ear-witneſs to every part of the proceeding.

About the end of February 1707-8, Her Majeſty by her letter to the Privy Council in Scotland, gave notice of the intended invaſion, backed with a French power, deſigned againſt Scotland; recommending to them the ſecurity of the kingdom, the preſervation of the public peace, and that they would uſe all poſſible means to that effect.

The Privy Council taking this affair into their conſideration, it naturally occurred; that to diſcourage the enemies of the Government at home was, among others, one of the beſt ſteps to prevent the miſchievous conſequences of an invaſion from abroad; and in order to this, that it was reaſonable to ſuppreſs the public meetings of thoſe, who, under pretence of divine worſhip, admitted ſuch Miniſters to officiate, as the law in that caſe had prohibited, having not

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qualified themſelves by taking the oaths, praying for the Queen, &c. by which the public diſaffection was upheld and encouraged.

It was then agreed to, *nemine contradicente*, in the Privy Council, and for the truth of which we refer our readers to the minutes of the Council for proof; That orders ſhould be iſſued out to all inferior Magiſtrates to put this reſolve in execution; and orders were accordingly iſſued out to the Magiſtrates of Edinburgh for that purpoſe, who thereupon legally called before them ſeveral Miniſters or preachers, who were known to keep public meeting-houſes within their bounds, aſking them plainly, in terms of law, If they prayed for her Majeſty, *nominatim*, in their public meeting houſes; and if they had qualified themſelves, by taking the Oath of Allegiance, and ſubſcribing the ſame, with the Aſſurance, as the law required?

Some of them anſwered directly; but others avoiding the queſtion, required a legal trial by way of libel and proof; which was accordingly appointed, and whereof the preciſe points were, their not taking the Oath of Allegiance, and ſubſcribing the ſame, with the Aſſurance; their not praying for her Majeſty, *nominatim*, as the law requires; and their not obſerving public faſts and thankſgivings; all which were notour, and being negatives, proved themſelves.

To this libel the aforeſaid preachers made anſwers, and alſo took a proteſt, that they were not legally cited, not being called thither on fifteen days, as the old law requires, or on ten days, as the late act of Parliament againſt intruders preſcribes.

To which it was anſwered, that, as to the fifteen days, the known and perpetual cuſtom within burgh had over-ruled it to twenty-four hours; and as to the ten days, they were only appointed in the trial of intruders. But the preachers called, being convened for notour diſaffection by not praying, and by not taking the Oath of Allegiance, nor keeping faſts and thankſgivings, the citations were good, and the procedure unqueſtionable; and yet the Magiſtrates thought fit to give them a further indulgence, and to allow them to give in all their defences.

The ſum of which defences, as contained in a repreſentation exhibited by the ſaid preachers, being, firſt, the foreſaid dilators to this; they added, that by the act of Parliament, 1693, requiring all Miniſters and preachers to take the Oath of Allegiance, it is provided, that the contravener ſhall be puniſhed by baniſhment, or otherwiſe, as the Privy Council ſhall think fit, and therefore the libel was improperly tabled before the Magiſtrates.

It was anſwered, to the firſt dilators, that the former anſwers were repeated; and to the ſecond, that the Privy Council having referred the execution to the Magiſtrates, there could be no more debate about the competency on that head.

But then they went on to object againſt the relevancy.—And as to the act of the Convention, ordaining all Miniſters to pray for the King and Queen, *nominatim*, they anſwered, that that act did die and expire with King William and Queen Mary. And as to the act 1693, ordaining all preachers to take the Oath of Allegiance, and ſign the ſame, with the Aſſurance; they anſwered, firſt,

that that act did only concern Miniſters provided to benefices and ſtipends; and could not be extended to ſuch preachers as enjoy no benefice under the Government; and ſecondly, the act recognizing her Majeſty Queen Anne, enjoins the taking of the Oath of Allegiance, &c. to ſuch as are in public truſt, and preachers not beneficed cannot be ſaid to be in any public truſt; and thirdly, the act of Parliament, 1693, limited to the perſons of King William and Queen Mary, is out of doors with them.

To which it was replied, that the act of Convention, ordaining all Miniſters and preachers to pray for the King and Queen, *nominatim*, is certainly to be underſtood likewiſe of all their royal ſucceſſors, eſpecially ſince it is ſo plainly founded upon the command of the Apoſtle, and the duties of all ſubjects; ſecondly, the act, 1693, expreſsly relates to all preachers, whether beneficed or not, and withal defines all preachers to be perſons in public truſt; ſo that the act recognizing her Majeſty did exactly fall within it, and affords no relief to the defenders: And thirdly, the act 1693, though it mentioned King William and Queen Mary, yet is not limited to them, but, being a perpetual law, extends to all their royal ſucceſſors; like as by the ſaid act recognizing her Majeſty, it is *de facto* ſo extended.

Which defences and replies being read and conſidered by the Magiſtrates, they repelled the dilators, as alſo all the other defences proponed for the defenders, and found that, ſince they had not prayed for her Majeſty Queen Anne *nominatim*, and taken the Oath of Allegiance, &c. they had incurred the pains of law; and therefore ordained them, and every one of them, to deſiſt from keeping of any meeting-houſes, within the city of Edinburgh, and liberties thereof, and from preaching or exerciſing any part of the miniſterial function within the ſame in time coming, under the pain of impriſonment, and to find caution for that effect betwixt and the 30th day of March then inſtant, and in the mean time that their meeting-houſes be forthwith ſhut up. But though this ſentence was then paſt, yet nothing followed upon it, until that the Privy Council of Scotland being determined by an act of Parliament, after the firſt of May, theſe diſaffected people, judging that the Council's orders were alſo expired with the Council that gave them, did about the 20th of June fall again to their preaching, and entered their meeting-houſes; and further they reſolved among themſelves, that they would continue to preach and not deſiſt; which moved the Magiſtrates to renew the former prohibition, about the ſaid 20th of June laſt, which they ſtill neglecting and deſpiſing, they were again called before the Magiſtrates about the 16th of July, and required to find caution or bail to deſiſt, as being the known legal execution upon ſuch prohibitory ſentences, or otherwiſe to go to priſon. But they ſtill refuſing to obey, the Magiſtrates thought fit on the 13th to ſend five only to priſon, which five were alſo at length relieved; ſo indulgent were the Magiſtrates in this matter.

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This whole trial, and all the ſteps thereof, being tranſmitted to her Majeſty, it pleaſed her Majeſty, by her Royal Letters, under her hand and ſeal of the 18th of September laſt, to approve what was done by the Magiſtrates of Edinburgh in the ſaid matter, as acceptable ſervice; and further to judge it neceſſary for the ſafety of her Royal Perſon and Government, that all ſuch meeting houſes in every other place ſhould be ſhut up.

Thus far the matter of fact.

It is moſt true, that in this firſt proſecution, there was no other or further deſign, than the giving a check to the invaſion, and to the inſolence of ſome of the non-jurant party, who at that time began to be more formidable in Scotland than in England; and this is apparent in the lenity and forbearance of the Magiſtrates and Juſtices of the Peace in Scotland, who as ſoon as the invaſion was over, and the danger from abroad ſeemed at an end, were very eaſy with them again; the Miniſters, who had been confined, were ſilently let go, and their former liberty connived at again; ſo that their meetings became as frequent as they were before, notwithſtanding they ſtill refuſed to take the oaths, or pray for the Queen.

But here it began to appear, that there were ſome among thoſe people, who had other aims in theſe things, than merely the liberty of their conſciences, and the worſhipping God; and that ſomething ought to be attempted to make the people uneaſy, and to bring them by force to proſecute and attack them.

And to this end, ſince refuſing the oaths, ſince refuſing to pray for the Queen, nay actually praying for the Pretender, would not provoke the Government and Magiſtrates in Scotland to perſecute; they find out another expedient, which they are aſſured will not fail, being what they know the Scots will not bear, whatever it coſt them; and this was erecting the Common Prayer or Engliſh Liturgy in Scotland.

The people that made this attempt, behoved to get ſomebody to do it; that however Jacobite he might be in principle, was yet latitudinarian enough in conſcience, that he could ſwallow all the oaths which ſhould be offered to him; indeed ſome of the Jacobite clergy were ſo honeſt, that as they would not take the oaths, ſo they did not approve of this attempt, but openly diſavowed it; nor had the Epiſcopal people in Scotland ever ſet up the Engliſh Liturgy, although they had reigned in Scotland for twenty-eight years together, before the Revolution.

But the deſign being concerted, they found a tool: A poor curate of 15l. a year in Ireland, but born in Scotland, comes over to Edinburgh to mend his commons; and having taken the oaths, he falls in with this party, who finding him a perſon of proſtituted morals, a large ſtock in the face, and ready, if well paid, to do their work, they promiſe him fourſcore pounds a year, and accordingly begin a ſubſcription for it.

Some Engliſh gentlemen had, it ſeems, promiſed him ſome encouragement towards that ſum to be raiſed, and this they make a handle of preſently, and reported that this was ſet up to accommodate the Engliſh ſtrangers who could not conform to the Preſbyterian Church.

But the Engliſh gentlemen ſeeing into the deſign, and that they were to be made a property to embroil the Government, and foment a diviſion between the two lately united nations, they ſoon abandoned him and his deſign; however, he reſolved to put his project in execution, and accordingly takes a houſe juſt at the croſs in Edinburgh, fits it up for a chapel, and begins to read the Engliſh ſervice.

The people, as every body knew they would, immediately took fire at the thing; but not doing him the honour to rabble him, which ſeemed to be what his party expected, they complain to the Magiſtrates. The perſon that had let him the houſe, finding what uſe he was putting it to, began with him, and on pretence of his having made ſome ſpoil in pulling down partitions, &c. not authorized by his contract, gets him turned out of the houſe, and ſo he betakes himſelf to a place leſs public, but ſtill goes on with his Service-Book worſhip. However, it gave leſs offence here; the other ſeeming to be a defiance of the laws. It happened at this time, or in a few days after, that the Commiſſion of the General Aſſembly was to meet; as ſoon as they ſat down, a Repreſentation or Addreſs is made to them by the inhabitants of Edinburgh, and other places, againſt this thing. The paper mentions other complaints indeed, but this was the main thing aimed at. The Addreſs is as follows:

Unto the very Reverend and Honourable, the Commiſſion of the late General Aſſembly of the Church of Scotland,

We the Neighbourhood of the Town of Edinburgh and Suburbs, Under-Subſcribers, do moſt humbly repreſent,

THAT notwithſtanding the many good laws and acts of Parliament, and particularly the act 6 and 7, Par. 1707, made for the ſettlement and ſecurity of this National Church, and againſt all incroachments upon her rights and privileges, or innovations in her doctrine, worſhip, diſcipline or government; and of her Majeſty's repeated aſſurances in her Royal Proclamations, Letters to her Privy Council, and the General Aſſemblies of this Church, to maintain and defend the ſame in its preſent eſtabliſhment, againſt all ſuch unlawful intruſions, incroachments, and innovations, particularly her Majeſty's Proclamations againſt unlawful intruders into churches and manſes in Scotland, dated September 20th, 1708.

Yet to our very great ſurpriſe, ſeveral of the Epiſcopal Clergy, prompted and inſtigated thereunto by the Jacobite party, who are equally diſaffected to the civil as to the eccleſiaſtic conſtitution, have of late, not only erected meeting houſes

houſes in this city, after the Scots Epiſcopal way, but alſo in ſeveral places here, have ſet up the Engliſh ſervice, which as it is contrary to our eſtabliſhment, and very grievous and offenſive to us, and all others who are well affected to her Majeſty, and the preſent eſtabliſhment, ſo it will prove of fatal and dangerous conſequence to the Church, if not ſpeedily remedied.

It would be conſidered, in the firſt place, that ſeveral of ſuch as preach in theſe meeting-houſes are known not only to be unſound in their judgments; but alſo ſcandalous and immoral in their lives and practices: and however they may pretend to be qualified according to law, yet if they were not ſecret and heart enemies to her Majeſty, and the preſent Government, they would never yield themſelves tools to a Jacobite party, for carrying on their wicked and pernicious deſigns.

2dly. They cannot pretend it to be a matter of conſcience, in ſetting up of the Engliſh ſervice here; for, abſtracting from Preſbyterians, even the body and bulk of the Epiſcopal perſuaſion in Scotland, have never been fond of the Engliſh way of worſhip; but upon many occaſions have teſtified their diſlike of the ſame; and none of them ſcruple to join in communion with this Church, but ſuch as are either openly profane, and will not ſubject to church-diſcipline, or avowed Jacobites.—And therefore,

3dly. We conceive, that by theſe illegal and unwarrantable incroachments, intruſions and innovations, they deſign no leſs than the ruin of both Church and State; for, as the ſetting up of the Engliſh ſervice here did, in former times, breed much trouble and confuſion in this Church and nation, ſo at preſent it does raiſe and foment jealouſies and heart-burnings in the minds of people, otherwiſe zealouſly affected to her Majeſty's Perſon and Government, and exceedingly widens the breach betwixt us and the ſeparating parties on both hands; and the inſtigators to, and abettors of theſe practices are in big hopes, and not without too good and evident grounds, that this will prove an effectual mean of alienating the hearts and affections of many of our Queen's beſt and moſt loyal ſubjects from her Majeſty's Perſon and the preſent eſtabliſhment, and that by this means they ſhall effectually wound and weaken the Church on both ſides, and alſo ruin the civil government.

We muſt alſo humbly repreſent, that albeit we have many good and laudable laws and acts of Parliament againſt Popery and Papiſts, their trafficking and preaching in Scotland, particularly againſt their teaching of any ſcience, art and exerciſe within the ſame, and againſt all irreligion and blaſphemies, yet Papiſts do openly and avowedly teach and practiſe even within the city of Edinburgh, and ſuburbs: and now alſo a profane and deluded crew of enthuſiaſts are ſet up in this place, who, under pretence to the ſpirit of prophecy, do utter moſt horrid blaſphemies againſt the ever-glorious Trinity, ſuch as ought not to be ſuffered in any Chriſtian Church or nation, ſeeing this ſtrikes at the very root and vitals of all religion,

religion, and is ſet on foot by Satan, to confound (if poſſible) all ſolid thoughts of a Deity among us.

We have, for brevity's ſake, repreſented but few of the many inconveniencies that will certainly follow the ſuffering of ſuch practices, and do judge it our duty, in all humility to lay them before the Reverend Commiſſion, ſeeing you are ſet by the Church of Scotland upon the watch tower, to advert that the intereſt of Jeſus Chriſt and the preſent eſtabliſhment of this Church do not ſuffer or ſuſtain any prejudice which you can prevent; particularly to take ſpecial care to keep and maintain unity in the Church upon all emergencies; and to ſee the due execution of the acts of the Aſſembly, which are very plain and expreſs againſt ſuch innovations in the worſhip of God, particularly the act 15 General Aſſembly 1707. And therefore humbly and earneſtly beg and entreat, that, as you tender the glory of God, the peace and unity of this Church, and the quiet and ſafety of her Majeſty's Government, you would uſe your utmoſt endeavours for ſuppreſſing and cruſhing ſuch intolerable and pernicious practices and deſigns in the bud.

And your ſupplicants ſhall ever pray, &c.

This addreſs was ſigned, in leſs than three hours, by between two and three hundred people; the like addreſs came from Haddington, and the like were preparing almoſt all over the kingdom; but this having an immediate anſwer, in the application of the Commiſſion of the Aſſembly to the remedy, the other addreſſes were laid aſide.

For the Commiſſion of the Aſſembly immediately fell upon the work, and paſſed an act, in which, among other things, they aſſerted the legal eſtabliſhment of their Church by the Revolution, by ſubſequent laws, and thoſe laws receiving the general ſanction of the Union, againſt all manner of innovation; in juſt execution of which laws, they referred it to the reſpective judicatories of the Church, ſuch as Kirk Seſſions, or Preſbyteries, to proceed forthwith againſt ſuch innovations or innovators as ſhould be found in their reſpective bounds.

In the conſequence of this act, the Kirk Seſſion of the north-eaſt pariſh of Edinburgh, called commonly the College Kirk, preſented this new come innovator to the Preſbytery of Edinburgh, who accordingly cited him before them.

I ſhall only give a ſummary of the proceedings againſt him, for it is not their form of proceeding, but the nature of the thing that ſeems to call for this prefatory narration. It is to be obſerved, that the Preſbytery did not proceed againſt him upon the ſubject of innovation, or his having ſet up the Common Prayer at all, nor was it once mentioned to him, or in the ſentence of the Preſbytery; but they firſt demanded, Who he was, Whence he came, and, What authority he had to execute the office of a Miniſter? and not being able to produce any legal ordination, or miniſterial induction, except from the exauctorate depoſed Biſhops, to whom, neither by the Church of Scotland's conſtitution, or by the Epiſcopal Church of England's conſtitution, any ſuch power or office remained

remained, they proceeded to their ſentence againſt him, declaring him incapable to exerciſe any part of the miniſterial function in their bounds.

He declined their authority; treated them with contempt; refuſed to appear at their ſubſequent citation: they took no farther notice of him, but ſent a copy of their ſentence to the Magiſtrates of Edinburgh, in order to the Civil Power putting it in execution.

In purſuance of this ſentence, the Magiſtrates ſent for him, and giving him intimation of the ſentence of the Preſbytery, they give notice that he do not preſume to preach any more within the bounds of the city, on pain of impriſonment, and gave him time to ſhow his obedience to their order: he carries himſelf with the ſame haughtineſs to the Magiſtrates; tells them poſitively, that he would not obey them, and accordingly the next Sabbath he preaches openly in the city; nor yet would the Magiſtrates have committed him, had he not inſolently triumphed in his contempt of their authority, appeared openly at the croſs, to let them ſee that contempt, and by all the methods poſſible to him, inſulted them in the affair of their ſentence.

This brought the Magiſtrates to an abſolute neceſſity to commit him, in vindication of their authority, and that they might not give their own conſent to be trampled on by the whole party; accordingly they ſent for him again, and ſtill offering him his liberty, upon obedience to their former order, and the ſentence of the Preſbytery, which he inſultingly refuſed, they committed him to the Tolbooth of Edinburgh.

It were very little worth while to fill this Preface with the ſtory of this perſon, were it not the occaſion of bringing upon the ſtage debates of ſeveral kinds, which it ſeems neceſſary to ſet in a clear light to the world; in the miſrepreſenting which, the Church as well as people of Scotland really receive much wrong, to whom, I think, it is the duty of an honeſt man, as well as of a faithful hiſtorian, to do juſtice.

The caſes are ſuch as theſe:

Whether the Scots in theſe proſecutions are not perſecutors for conſcience?

Whether the Epiſcopal depoſed Clergy have yet a right to ordain Miniſters?

Whether the Epiſcopal Church of Scotland, and the Eſtabliſhed Church of England are at all of kin, or no?

Whether toleration of Epiſcopacy and the Engliſh Liturgy can be eſtabliſhed in Scotland, or no?

I ſhall ſay ſomething to all theſe, ſo far as matter of fact and a hiſtorical narration requires, and ſomething by obſervation, as far as the civil rights of Scotland are concerned, and thus far I think they are proper to be ſpoken to by way of Preface: as to the theological part of the diſpute, I ſhall have occaſion to handle it elſewhere, neither can it be reaſonable to expect it here.

In taking notice of the firſt of theſe queries, Whether the Scots in theſe proſecutions are not perſecutors for conſcience?

It may be alledged, That all proſecutions of law, where the offender pleads conſcience againſt his obedience, are perſecutions for conſcience; and if this be brought by way of argument in this caſe, then my anſwer is very brief; the Scots, and with them all the Chriſtian nations in the world, but eſpecially the Church of England, are perſecutors, and without queſtion ought to be ſo.

But if you will reſtrict the term perſecution, to the generally received ſenſe of it, viz. diſturbing, proſecuting, and purſuing the peaceable exerciſe of religious worſhip, performed merely in obedience to the dictates and commands of conſcience; then I may ſafely challenge all the world in behalf of the people of Scotland, to ſhew the leaſt veſtige or appearance of perſecution among them.

I think, while I am in this argument, addreſſing myſelf principally to the people of England, and among them to the Church of England, I can do nothing better, than bring their own practice to a parallel with the Church of Scotland, as a ſtrong and convincing way of arguing, to them eſpecially, in the caſe I am upon; and firſt, I take the authority of the Parliament of England againſt perſecution, in the great Act for Settlement of the Toleration, where it is ſaid, "Whereas it is reaſonable, that all juſt tenderneſs ſhould be ſhown to tender "conſciences," &c. Then in the preamble of the late famous Occaſional Bill, are theſe words, "Whereas perſecution for conſcience ſake, is contrary to the prin-"ciples of the Chriſtian religion, and the doctrine of the Church of England.' Take theſe two, and compare them with the Act 1. William and Mary, cap. —. By which all thoſe eccleſiaſtics, who would not take the oaths, are depoſed and deprived *ab officio et beneficio*; and it will neceſſarily follow, at leaſt in my opinion, that either the Church of England, in depoſing the non-jurant clergy in England, acts contrary to her own doctrine and the principles of the Chriſtian religion, *ut ſupra:* or, that depoſing and depriving the non-jurant Biſhops, &c. is not perſecution for conſcience.

I humbly refer this to the determination of all that ſhall read impartially, if it be not clearly and fairly ſtated.

If then depoſing and depriving the Clergy of the Church of England in England, who refuſe to take the oaths to the Government, be not perſecution; it remains for the other party to prove, that the ſame thing in Scotland can be called perſecution, and in England no perſecution.

The depoſing Epiſcopacy itſelf in Scotland, ſeems to come in queſtion here, and would require a long diſcourſe; but as I am ſpeaking chiefly to the Church of England in this caſe, I am very willing to make her a judge; and I preſume it will be arguing *ad hominem*, to ſay, though I do not lay the ſtreſs here neither,

That depoſing Epiſcopacy in Scotland, and depoſing Popery in England, ſtand in many caſes upon the ſame foot; and the Church of Scotland has offered little or no violence to the Epiſcopal Church in Scotland; but what the

Church

Church of England has offered to the Roman Catholicks in England? Now though in general this would be no argument, yet 'tis a reaſon in this caſe, why the Church of England, above all other, ought not to charge the Church of Scotland with perſecution in that particular. But to go further, the Church of Scotland did not immediately pull down Epiſcopacy, I mean, the Church abſtractly conſidered in her eccleſiaſtical circumſtances; but it was done by the Government of Scotland, the body of the people, I mean the Parliament before the Preſbyterian Church was eſtabliſhed. And it is evident, by the claim of right, that Epiſcopacy was turned out of Scotland, not as a thing eſtabliſhed, but as an intruder upon the eſtabliſhed religion, which Scotland had from the very Reformation embraced, which they had ſworn in their national covenant to maintain, and which by law it was their right to reſtore: in ſhort, Epiſcopacy was turned out as a man, who has had his eſtate taken from him by oppreſſion, recovers his right by law, and then diſpoſſeſſes the wrongful incroacher or invader, and enters upon his own.

Univerſal hiſtory will allow, that the Scots reformed firſt into the Geneva model, by the agency of the famous John Knox and others, and that they had no Epiſcopacy in their firſt eſtabliſhment at all; nor can all the labour that has been ſpent to make the Superintendents, who were ſent into the ſeveral parts of the kingdom, to ſettle eccleſiaſtic affairs, look like Biſhops,—for this will for ever ſupercede that ſuggeſtion, viz. That theſe Superintendents, though veſted with power over the Miniſters they went to viſit, yet received that power from, and exerciſed it in ſubordination to the General Aſſembly of the Preſbyterian Church; and were often called to an account, cenſured, and removed by the Synods, nay, and ſome ſay, even by private Preſbyteries. See Calderwood's Hiſtory of the Church of Scotland.

Epiſcopacy in Scotland being thus ſuppoſed an invader and ſpoiler, the Revolution did no more than take from them their uſurped authority, cauſe them to diſgorge what they had moſt unjuſtly devoured, and the invader having thus been turned out, the right owners of the houſe came again, and took poſſeſſion of their own; and this can by no means be called perſecution.

My ſecond enquiry is upon a new diſpute, and I think admits of no difficulties in matters of law, whatever it may in matters of conſcience, viz. Whether the depoſed exauctorate Biſhops have power left to ordain Miniſters? Indeed the queſtion ſeems rather to lie here, whether ſuch preachers as ſhall be licenſed or ordained by the exauctorate Biſhops, ought to be eſteem as Miniſters, eſpecially in that church which has ſo depoſed them?—This being the preſent debate, it rather reſpects the civil than eccleſiaſtic part of the queſtion.

It ſeems to me highly abſurd, that the Church of England ſhould receive as a Miniſter among them, a man ordained by him whom they will not own or receive as a Miniſter of their Church; for if the Biſhop after deprivation ſhall or-

dain Miniſters, how then is that Biſhop deprived *ab officio*? Nor indeed do I know that the Church of England has at all admitted this abſurdity among them; the thing is only ſtarted in Scotland to beget new broils on that head; and it ſeems ſtill more abſurd, that the non-jurant Biſhops in Scotland, ſhould have power to ordain a Miniſter of the Church of England.

But to ſupport this abſurdity, a worſe is ſtarted among us, viz. That the Epiſcopal Church of Scotland is incorporated into the Church of England by the Union, and this is the reaſon of my third enquiry.

3. Whether the Epiſcopal Church of Scotland, and the preſent eſtabliſhed Church of England, are at all of kin or no?

This enquiry, if it be directly traced, will lead to a new queſtion, viz. What is to be meant by the Church of England? I mean in this queſtion only, and therefore I ſhall anſwer it both ways very briefly.

If by the Church of England we mean, the Church as now eſtabliſhed, or rather recognized by the Revolution, and now received and acknowledged by the Queen and Parliament; then indeed this pretended incorporation is an abſurdity, and there is no more any ſuch thing, than there is an incorporation between God and Baal; for the Church of England, ſo underſtood, has ſpued the other out as illegal, has rejected her as Jacobite, and has joined in and conſented to by the Union, the eſtabliſhment of the Preſbyterian Church in her ſtead, and upon her ruins, as the true Proteſtant religion, and eſtabliſhed national Church of Scotland, vide the Act of Union; and from this ſtipulation, ſhe (the Church of England) herſelf, cannot go back; but if on the other hand, by the Church of England, is to be underſtood the Dodwellian-Jacobite-Faction of the Church, who refuſe to own either the religious or civil eſtabliſhment now reigning in Britain, eſteeming the Queen an uſurper, the Revolution a rebellion, and the Church of England ſchiſmatical, if thus they underſtand the Church of England, then they and the Epiſcopal Church of Scotland may, for ought I know, be incorporated into each other, and may be eſteemed one body; and they are welcome to be ſo accounted: but how this is done by the Union, remains for thoſe gentlemen who pretend to it to make out.

I think, I need not deſcend to many arguments in this caſe; the caſe is evident, the Epiſcopal Church in Scotland being entirely Jacobite at this time, cannot be ſaid to incorporate with the Church of England, who acknowledge Queen Anne, becauſe they reject her as ſchiſmatical and apoſtate, and that they can reject her, and be incorporated into her at the ſame time, ſeems impracticable and abſurd.

It remains to enquire, whether Epiſcopacy and the Engliſh Liturgy may not be tolerated in Scotland? And here I ſhall wave the various arguments about the neceſſity and obligation which lies on all Chriſtians to pay reverence to conſcience, and in order to give all poſſible liberty to religious opinions; but I ſhall lay the ſtreſs of my preſent arguing another way.

First, ſpeaking of Scotland, we are to diſtinguiſh between tolerating of Epiſcopacy, and tolerating of Jacobitiſm; and if this be diſtinguiſhed right here, we ſhall have little need of the queſtion at all; and in the name of the Scots, I may very well ſay to the Church of England,—Gentlemen, when you pleaſe to tolerate Jacobitiſm by law in England, we will conſider of tolerating Epiſcopacy in Scotland; and this way of arguing ſeems very juſt, becauſe if you pleaſe to abſtract Jacobitiſm from Epiſcopacy in Scotland, you will leave no Epiſcopacy there, but what is already tolerated by law, viz. by the Act the firſt Parliament William and Mary, which ordained that all thoſe Epiſcopal Miniſters who would take the oaths ſhould continue in their Churches, and there they remain to this day; a kind of toleration much ſuperior to that in England, for theſe enjoy the Preſbyterian ſtipends and manſes, and in ſome of their pariſhes the eſtabliſhed Church Miniſters preach by them in meeting-houſes to this hour, as Mr. Ponton in Kinghorn, and others; if the Church of England will not call this toleration, they will find it hard to tell us what is toleration.

The champions of this toleration project, finding this argument turned too hard upon them, have ſet up a new one, and which therefore I have added in the queſtion, and this is about tolerating the Common Prayer book in Scotland; and this brings a new diſpute upon the ſtage, a diſpute that ſeems to have more policy than religion in it, and I doubt not but it will ſoon be detected.

That this is not a caſe of conſcience, but a party trick to embroil, will appear, if we conſider two or three things.

1. That for twenty-eight years preceding the Revolution, when the Epiſcopal Church was (humanly ſpeaking) triumphant in Scotland, they never admitted of the Engliſh Liturgy among them; nor was it ever attempted for one hundred years before, but once by Archbiſhop Laud and his party, which attempt was the overthrow of all the contrivers, and it is more than probable may be ſo again, if they go on with it; this proves it is not any part of the profeſſion of the Epiſcopal Church of Scotland, and therefore cannot be ſaid to be demanded in behalf of conſcience.

2. From the Revolution to the time of the Union, during which time the Epiſcopal non-juraut Clergy in Scotland have erected ſeveral meetings or conventicles of their party for religious worſhip, they have had very little thought of the Engliſh Liturgy, but what of it is come among them, is a mere innovation thruſt in upon them by the artifice of a party, in part to claim kindred of the Church of England, and partly to inflame and enrage the people of Scotland, who they know are averſe to it.

3. At this time, while the leaders of the party are impoſing this upon the Church and people of Scotland; they have ſome difficulty to make their own people agree to, and eſpouſe it; the thing is ſo far from being deſired by the people in Scotland, that even thoſe who frequent their meetings, that are Epiſcopal in religious principles, and Jacobite in political principles, yet ſhun the

Liturgy, diſlike it, and are with difficulty and reluctance brought to bear it; nay in moſt parts they will not comply with it, but abandon thoſe that read it, and throng after thoſe Epiſcopal Miniſters that decline it.

Theſe are ſufficient to make it appear, that the attempt of erecting the Common Prayer Book in Scotland, is not founded in the conſciences of the people; that it is a politic deſign to carry on a party intereſt among us in England, and embroil, if poſſible, the people of Scotland with the Government, is evident from the laſt head, that they are at pains to bring their own people to eſpouſe it, which if it were not to ſerve their civil intereſt, it will be hard to ſuggeſt on what foundation they make the attempt.

But I come next to enquire into the civil rights of Scotland as they ſtand, either ſupported or invaded by this attempt; if then the Church of Scotland has a civil right to the eccleſiaſtic immunity ſhe enjoys, and that the Union had confirmed theſe rights, then nothing can be impoſed upon her, againſt her preſent ſettlement, without breach of the Union: And this, I preſume to ſay, no human authority now eſtabliſhed in Britain can ſo much as attempt, without diſſolving the very Conſtitution.

By the Union then, and the ſeveral acts of Parliament for the ſecurity of the Preſbyterian Church, which are confirmed by, and made part of that Union; the purity and uniformity of the worſhip, diſcipline and government of the Church of Scotland is to be preſerved to the people of Scotland without any alteration; mark theſe words, I repeat them again, *without any alteration*, to all ſucceeding generations.

If any man will ſay, that tolerating the Common Prayer can conſiſt with preſerving the uniformity of the worſhip, or the tolerating Epiſcopacy can conſiſt with the preſerving the government of the Church, or either of them with preſerving the diſcipline; then I may be ready to enquire further.

On the other hand, if they are not, then they cannot be offered to the Church of Scotland; nor can even the Parliament of Britain erect ſuch a toleration without invading the Union, which I humbly conceive they have not power to do.

Nor can the Church or people of Scotland legally give their conſent to any ſuch act of toleration; becauſe this purity and uniformity is to be preſerved to all ſucceeding generations; and the preſent generation has no more power to give up what by the Union is thus entailed on their poſterity, than the Parliament can give up what is conceded to the ſaid preſent generation.

By this it ſeems, the Church of Scotland is ſo eſtabliſhed, that neither can her enemies impoſe toleration upon her; neither can her treacherous or negligent friends, too many of whom ſhe may have in power, give up her claim to her eſtabliſhment; neither can ſhe herſelf abandon her right to, or her poſſeſſion of her eſtabliſhment, excluſive of all manner of innovations or invaſions on the purity and uniformity of her worſhip, diſcipline or government.

This

This I think is the preſent ſtate of the queſtion about toleration in Scotland; what gloſs the artifice of enemies, and the craft of parties may put upon the attempts now making, of invading the privileges of the Church of Scotland, I have nothing to do with in this treatiſe; I am ſure, if the Repreſentatives of Scotland are faithful and vigilant, ſhe is in no danger; nor can her Church privileges be invaded by a toleration, without deſtroying the civil as well as eccleſiaſtic Conſtitution, upon which Great Britain is at this time eſtabliſhed by the Union.

Two things I find fall naturally in our way as objections (in England eſpecially), when we argue againſt tolerating the Engliſh Liturgy in Scotland: Firſt, that this is falling upon the Common Prayer book, and inſulting the Church of England; and ſecondly, that this will be injurious to the toleration which the Diſſenters enjoy in England.

It is moſt certain in ſtrict juſtice, that though both theſe were true, it makes nothing to the argument. The queſtion is not of civility to the Church of England, or of prudentials to the Diſſenters in England; but of right and juſtice to the Church of Scotland.—We are here in a right of property capitulated for by the Union, ſtipulated for and agreed to by the Church of England, that no alteration ſhall be made; that the purity and uniformity ſhall be preſerved: Either it is preſerved, or it is not;—if the Common Prayer be impoſed on them, if Epiſcopy be tolerated, their worſhip and government is altered, or it is not.—If it be, then the Union is invaded, or it is not. The queſtions are ſhort, and need no cavilling; though ſpeaking of the Church of England, and of the Diſſenters in England, the Scots may be civil to one, and careful of the other, yet they muſt not give up their eſtabliſhed rights on that ſcore; this were to compliment them at too great an expence. Would the conſcientious Epiſcopal people in Scotland be eaſy, no body moleſted them, they enjoyed their liberty unmoleſted enough, and in a manner which the Diſſenters in England for many years would have rejoiced at; but when nothing will ſatisfy but encroaching upon declared and eſtabliſhed rights, the Church of Scotland is then bound to aſſert her own property, and neither the Church of England or the Diſſenters ought to take it ill from them.

But after all, the Church of England have no reaſon to take it ill, that the Scots do not make uſe of the Common Prayer, any more than the Scots have to take it ill that the Church of England do not make uſe of the Preſbyterian diſcipline; they are two national Churches; either of them have their reſpective kingdom to which they belong, conſtitution on which they are built, and laws by which they are eſtabliſhed; they are perfectly independent one of another, and have no ſuperiority over or ſubjection to one another; they are confederated by the Union, and the butts and bounds of their reſpective influence are ſtated and irreverſibly determined; I ſay, they are but confederated, for it is no more; the

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kingdoms are incorporated, but the Churches are but confederated; but the links of this chain are ſo nicely twiſted together, that the confederacy cannot be broken, without deſtroying the incorporation, and the one is the bond of the other.—It can then be no affront to the Church of England, to have the Scots ſay, We will have nothing to do with your Common Prayer.—Nor to the Church of Scotland, to have the Church of England ſay, We will have nothing to do with your Preſbyterian diſcipline. It was the great preliminary of the treaty, that the Churches of either kingdom ſhould have nothing to do with one another; and therefore the treaters on both hands were expreſsly forbid to meddle with the affair of the Church, whoſe eſtabliſhments it was found abſolutely neceſſary ſhould not in the leaſt interfere with one another; nor their reſpective juriſdictions be ſuffered to incroach upon, or invade one another. If any have reaſon therefore, to take ill any thing from the other, the Church of Scotland has the firſt offence given her, by this attempt to invade her uniformity; only this is to be ſaid for it, that it is the act and deed of a party, not of the Church of England, conſidered as a Church.

As to the danger to the Diſſenters, with reſpect to the toleration they now enjoy in England, the fears of that ſeem to be altogether groundleſs, to any man that rightly underſtands, either the nature of the toleration in England, or the ſtate of the queſtion concerning toleration in Scotland; in which it is manifeſt, that the difference is ſo wide, that no argument can be drawn from the one to the other, either to ſtrengthen or deſtroy.

The Scots oppoſe a toleration by a claim of right, ſtipulated between the two nations; and it is evident, when the act for Security of the Church of Scotland was paſſed in Scotland, this very matter of toleration was not a little debated, and the Preſbyterian oppoſers of the Union in Scotland were not backward to expreſs their apprehenſions of a toleration being brought upon them by the Union. They were anſwered by the Act of Security, which was ſuppoſed, believed, and intended to be effectual againſt ſuch a thing; and had they not thought it ſufficient, but inſiſted in words at length, That the Engliſh Liturgy ſhould not have been tolerated, or at all uſed in Scotland in public, I may appeal to all the gentlemen concerned, either in Scotland, or here in England, that it would not have been denied: and the author of this is witneſs to large aſſurances given to this purpoſe; but it was thought modeſter to ſet it down in leſs pointed terms, no man doubting but that an article to preſerve the uniformity of worſhip in the Church of Scotland, *without any alteration*, in all ſucceeding generations, muſt be ſuppoſed to contain a ſufficient ſecurity againſt the Engliſh Liturgy.

Now it would ſeem a very groſs ſuggeſtion, and reproach the Church of England with ſtrange injuſtice, to alledge that they ſhould diſcontinue their toleration

leration to Proteſtant Diſſenters in England, becauſe they themſelves having conſented to the excluſion of Epiſcopacy in Scotland, the Scots hold them to their bargain.

Beſides, the toleration in England, would the Diſſenters ſee their own right to it, has a legal claim, and a capitulation alſo on which it is founded, and cannot, without manifeſt injuſtice, be invaded by the Church of England; but to invade it, becauſe the Scots will not tolerate Epiſcopacy, which they (the Engliſh) conſented ſhould not be tolerated, would be a double injuſtice, and is a reproach to the Church of England, ſo much as to imagine.

I think this argument needs no further diſcourſe. The Scots do inſiſt upon it, that by the Union they ought not, and by the conſtitution of their Church, they cannot admit the Common Prayer book to be publicly uſed in Scotland; and thoſe that offer it to them, know the people there will by no means bear it. I am loath to ſay that's the chief motive of the attempt.

Several other diſputes happened in Scotland after the Union, which cannot be brought into the compaſs of a Preface, and muſt be referred to the further hiſtories of thoſe times; as the act for making the trials in caſes of high treaſon the ſame in both countries; occaſioned, as is obſerved before, by the diſputes which happened at the trials of the four gentlemen brought from England on the invaſion.

The caſe of the drawbacks on fiſh cured with foreign ſalt, imported between the making the Union and the firſt of May, which being a debate that can never happen again, is not material; only to obſerve, that though the intent and meaning of the act of Union, was not for them, nor indeed the equity of the caſe; for they could not be ſuppoſed to draw back what they never paid, yet the letter of the Union being for them, the Parliament voted them their money, which was a teſtimony of the regard the Britiſh Parliament always have, and muſt always have to the Union. The caſe in ſhort was this:

By the eighth article of the Union, ſeveral allowances are made, as drawbacks upon fiſh cured in Scotland, and exported again. The reaſon of this allowance was, becauſe the ſalt with which they are cured, paying a great duty, that duty ought to be drawn back upon exportation. Now between the ratifying the treaty and the firſt of May, when it was to take place, a very great quantity of foreign ſalt (French) was imported, which, by the paſſing all the goods ſo imported as before, paid none of the Engliſh duties. Now it was alledged, that as the duty did not commence upon the ſalt, ſo the drawback ought not to commence, which was the effect of that duty; but the letter of the act being expreſs, Article VIII. That all fiſh cured with foreign ſalt ſhall draw back, &c. the Parliament voted it, and Scotland got about twenty-ſeven thouſand pounds ſterling drawback, where they paid little or nothing of duty.

I do not remember any thing material that happened in this interval, more than

than what has been hinted at here; the Parliament of Britain went on to eaſe the Scots in every thing that came before them, and except the act above-mentioned about treaſon, I know nothing that paſſed againſt the joint opinion of the Scots Members in two Seſſions of Parliament, which have ſat before the writing theſe ſheets.

I have now only a few things to take notice of here, relating to the performance of the work, which I muſt make ſome apology for, and which ſhall cloſe this Preface.

Firſt, That there are ſome acts of Parliament, which in the book are referred to, as printed in the Appendix, but are not there; as the Act of Security of Scotland formerly paſt there; the act in England, intituled, "An Act for "preventing dangers ariſing from the ſaid Act of Security in Scotland;" the ſeveral acts of Parliament for naming Commiſſioners for the treaties; and the act for plantation of kirks, and valuation of teinds. Theſe acts being all public, and to be found in the ſeveral volumes of Acts of Parliament of the reſpective kingdoms, I have omitted in the Appendix, as needleſs, though referred to in the book; the Appendix alſo ſwelling beyond my expectation.

A note alſo of the difference of the ſeveral duties on goods exported and imported before and after the Union, and of the ſtations of the cuſtom-houſe cruiſers, mentioned fol. 12, of the firſt Appendix, and referred to N. R. S. T. V. Xxx. of the ſecond Appendix, are omitted, the firſt as needleſs, a book of rates of both being afterwards publiſhed in Scotland; the ſecond as void by the courſe of things, the ſaid cruiſers having never been built.

In the fifth page of the firſt Appendix, laſt par. but one, mention is made of a calculation of the damages done to the revenue, by the importation of French goods into Scotland, between the end of the treaty and the firſt of May; but I find myſelf obliged to acknowledge ingenuouſly, that after many eſſays to obtain ſuch a computation, that I could never come to any account ſo exact as I could depend upon, or venture to publiſh.

The irregularity of the Appendix may deſerve ſome excuſe; but the various times in which the ſeveral parts were wrote, even ſome before others were acted, were the true reaſon of the irregular placing of the pieces; and it is hoped the reader will accept that for a reaſon.

As to the work itſelf, I ſhall ſay nothing, but leave it to the charity of the world, which in this age indeed runs very low. It has many difficulties in its way, many factions and parties to pleaſe, and muſt be cenſured by ſome. I have endeavoured to ſpeak truth, and relate fact impartially in all that is matter of hiſtory. As to my own obſervations, they are but my opinions, and they muſt abide the fierceſt attacks of parties, as the paſſions and intereſts of men guide them, and I am perfectly unconcerned at the event.

DANIEL DE FOE.

A GENERAL HISTORY OF UNIONS IN BRITAIN.

IN order to come to a clear underſtanding in the whole frame of this wonderful tranſaction, THE UNION, it is neceſſary to let the reader into the very original of it, and inquire where the firſt ſprings are to be found, from whence this mighty tranſaction has been formed.

And though this will of courſe lead us back a great way into hiſtory, yet it will carry this advantage along with it, that we ſhall ſee all the ſeveral ſteps which have been taken, how Providence has led the nations, as it were, by the hand, and brought them, by the hints of their mutual diſaſters, to ſeek this treaty, as the only harbour the ſhip of the ſtate could ſafely come to an anchor in.

Nor is it unworthy obſervation, eſpecially to thoſe who love to remark the connection of providences in the affairs of this world, and the various turns the iſland of Britain has had in the compaſs of a few paſt years; all which have had a direct tendency to this great event, though perfectly unforeſeen, either by the actors or the lookers on in thoſe ages.

The animoſities between theſe two nations would require a great deal of time and art to deſcribe: they are not ſo remarkable for their antiquity and original, as for their nature and circumſtances.

Never two nations, that had ſo much affinity in circumſtances, have had ſuch inveteracy and averſion to one another in their blood.

They have been both the inhabitants of the richeſt, the beautifulleſt, and moſt populous iſland in the world. And by frequent mutual invaſions made upon them, by the ſame foreign nations, who have left their race behind them, it is not at all an excurſion to ſay, they are the ſame in blood, of the ſame offspring, and became inhabitants the ſame way.

If it be objected, that the north and north-weſt parts of Scotland, are Iriſh, and retain both the ſurnames, manners, and language of the Iriſh, or the ancient Scoti, from whence the whole kingdom had its name; it is alſo anſwered, ſo has England in Wales, Cornwall, and Weſtmoreland, the ancient Britons, who retain their ſurnames, manners and languages, as diſtinctly as the Highlanders in the north, or the Iriſh in the iſlands of Scotland.

But take the ſouth part of Scotland, on this ſide the Tay, the inhabitants, though very ancient, muſt be allowed to be the remains of the Roman colonies, afterwards of the Danes, ſome Saxons; and among all theſe, the Picts, who we ſuppoſe to have been the ancient inhabitants.

It is true, England is much more mixed in blood; and the reaſon of this is plain, in that, being a nation powerful in wealth, fruitful in ſoil, and above all, increaſing in commerce, more nations have ſought to ſettle among them, numbers of people have flowed in upon them from all parts of the world, and blending their blood with the moſt ancient families, have deſtroyed all that can be called national, as to antiquity, among them, and they do not pretend to it.

Whereas in Scotland, under all the mixtures they have ſuffered, their ancient families ſeem to have been preſerved, and foreign nations have only ſeemed to increaſe their number.

However this be, there is nearneſs of blood enough, I mean as to originals, to have occaſioned ſome propenſity to coalition and mutual neighbourhood between the nations; and one would have thought, ſome happy accident might have fallen out, ſome lucid interval, ſome convenient criſis of circumſtances, or juncture of inclination, to have brought them together, made them faſt friends, and ſo have joined their victorious arms, to the terror of their neighbours.

But the rancour has run in the blood; the hatred between the nations has looked like a mere original, a ſort of antipathy, hereditary from generation, born with the very nations, and has long threatened us with being too faſt rooted there, ever to be removed, but, like a malignant rank leproſy, by pulling up the foundations.

Nor will all the hiſtory which I ſhall trace in the purſuit of this affair illuſtrate it more than the very ſtory of the Union itſelf; the ſtrange oppoſition made to the treaty, and to the Parliament in Scotland, againſt all manner of reaſoning, againſt nature, againſt intereſt; the averſion to it among thoſe very people that

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are now made happy by it; with what convulſions this evil ſpirit was caſt out; what ſtruggles it made at parting; how the poor enſlaved people fought againſt their approaching freedom, inſulted the patriots of their liberty, and with inexpreſſible uneaſineſs received the bleſſing of univerſal peace.—Theſe things, I ſay, will be laſting teſtimonies to that original averſion that was planted in the minds of the people, notwithſtanding the nearneſs of their circumſtances in other caſes.

I ſhall not go back to the wars here, between the Scots and Picts and the Britons, in the time of the Romans, and how afterwards, in the decline of their empire, the Britons, fatally to them, called in the Saxons to ſupport them againſt the fury of the Scots; the famous Picts wall, built in the time of the Romans, the remains whereof are viſible to this day, are ſad tokens of the ancient quarrels, wars and devaſtations that were carried on between the two kingdoms, even beyond our accounts of time.

Nor does it appear to me, that there was in all thoſe times any propenſity between the nations to ſuch a thing as peace, no not for many ages after thoſe times; but if either ſide found it convenient to treat, even thoſe treaties were carried on with a kind of a profeſſed reſolution of renewed war on the firſt occaſion; and I think hiſtory gives us no account of any firm reſolved peace ever made among them, but only ſhort truces of peace for a term of years, very often for one year, two or three; at the end of which, the war was ſuppoſed to break out again of courſe.

Nor were theſe wars carried on like the wars between other nations, with policy, temper, and points of honour; but all that could be expected, when two terrible and warlike nations, provoked to all poſſible extremes, ſhall meet, have been to be found here.—Theſe unhappy wars have therefore been all devaſtation and blood, the invaſions on either ſide have always been fire and death, the land laid waſte with burnings and plunder; and then the armies fighting with fury and deſperation: no nations that ever fought, ſince what we are told of in the old Eaſtern and Roman empires, have killed ſo many in fight: and if I ſhould enter into proportions of land and people, I need not make exceptions for them either; ſixty thouſand, thirty thouſand, twenty and fifteen thouſand ſlain of a ſide, have been the frequent numbers, of which hiſtory gives account in the wars between theſe two miſerable nations; and that not ſeldom, but very often, and ſome very lately.

I forbear to enter into a farther deſcription of the ancient feuds of theſe nations, as what is but a melancholy retroſpect, to any that have but common compaſſion for their country; this may ſerve to illuſtrate the preſent ſubject, and make the peace we now enjoy the more valuable to poſterity.

The firſt entrance I ſhall make on the matter of coalition ſeems to begin with Edward the Firſt, King of England; and this, as it was on a wrong foot, ſo its continuance was accordingly. That victorious monarch poſſeſſed the whole iſland of Britain; for he pierced Scotland to the Orcades, and traverſed all the mountains of Wales, ſubdued all the petty princes of the Britons, and had projected to call himſelf King of Britain.

But Providence had better things in ſtore for this iſland; his projected empire, founded on conqueſt, ended ere it began; all his victories were unravelled in his effeminate, luxuriant ſon; and he that had torn the crown from his neighbours, had in his poſterity his own crown laid at the foot of juſtice, and taken from the head of a thoughtleſs young tyrant his ſon, whoſe life was made to pay for the oppreſſions of his own ſubjects.

It was in this King's reign the firſt project of uniting the two kingdoms was laid, and though it proved abortive in its moſt early execution, yet it is very uſeful to the preſent purpoſe, and to the reader's information, to give the world a ſcheme of this deſigned Union, and to let thoſe gentlemen, who have oppoſed it now as a novelty, know, that it was the opinion of both the nations in all ages, (for this was in 1286) that an Union would be for the general good of the whole. See Engliſh Buchan. Fol. 245.

It is true, we find one of the Kings of Scotland, viz. Robert Bruce, who was really one of the greateſt Kings Scotland ever had, among the inſtructions left for the conduct of his ſucceſſor, leaving this ſtated rule, viz. Never to make a perpetual amity with the Engliſh. Buchan. lib. 8. fol. 86.

But the reaſons given for it will not at all be brought in prejudice of an Union or incorporation of the two nations; for as to long receſſes, which that prince argued to prove, that the Scots by diſuſe would be rendered unfit for arms, and ſo be the more eaſily worſted by the Engliſh, who by foreign wars were always kept active and vigorous, and by that means were likely to have advantages of them; that can be no argument, the nations now having no more occaſion for that emulation.

Nor does it ſeem to me but the ſame principle of care for his native country, which led King Robert to be ſo thoughtful for time to come, could he have ſeen what theſe ages have been brought to know, would, by the ſame reaſoning, have led him vigorouſly to have purſued a conjunction of the two kingdoms into one incorporated body, if he had ſeen the leaſt proſpect of ſuch an attempt being feaſible: and I believe this, not from the nature of the thing only, and its correſpondence with his general intereſt, but from the obſervation, that in his ſucceſſors' times, when the firſt proper ſeaſon ſeemed to offer, it was not thought of only, but purſued with all poſſible diligence, as ſhall appear in its proper place.

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But to go back to the ſtate of the wars in his reign, and a little before.

Whoever will give himſelf leave to read the hiſtory of the wars at that time, will wonder how Scotland was able to ſtruggle with ſuch terrible loſſes, and may reckon up above 200,000 Scotſmen ſlain in fight, only againſt King Edward the Firſt, beſides all the other havock which five ſeveral invaſions of a conquering enemy muſt be attended with.

And yet with what vigour they ſhook off the yoke, how they were to his death, I mean King Edward the Firſt, preparing new armies, and in the ſpace of but two years after it, ventured a battle with his ſon Edward the Second, at the head of 100,000 Engliſhmen, at Bannockburn, and beat him out of the field, with the greateſt ſlaughter that ever was made in Britain ſince the fight betweeen William the Conqueror and King Harold, there being, as ſome hiſtories ſay, 60,000 men ſlain on the Engliſh ſide.

Thus ended the Union of Conqueſt between the nations; Scotland recovered her liberty, and England paid very dear for the experiment.

But this is not the reaſon why I begin at this period; but as the firſt ſenſe of the bleſſings of Union began to touch the people of this age, it cannot but be acknowledged the great, and indeed the only point of time, to take the riſe of this voluminous ſtory from.

Alexander the Third, King of Scotland, was one of the greateſt inſtances of the viciſſitudes and precarious condition of a royal ſtate in the world; in the ſpace of about three years, he had two wives and a flouriſhing offspring, was left firſt a widower, then childleſs, and at laſt lifeleſs, and the Crown of Scotland in a manner hopeleſs.

Henry the Third, King of England, dying, King Alexander and his Queen takes a journey to England, in compliment to King Edward the Firſt, and to be preſent at his coronation. I ſhall avoid diſputing here any thing of the ſo-much-controverted article of homage; let it be how it will, it is not to the preſent purpoſe; to me it ſeems not at all the buſineſs of that journey; if it had, there had been no need of the Queen's going too; nor do I read of any thing but a viſit of compliment, or a journey of curioſity to ſee the pomp and grandeur of the Engliſh court, which was then very great.

In this journey, fatal to the family, as well as to Scotland, the Queen ſickened, and ſoon after died; ſhe was followed in a few months by both her ſons, David and Alexander, the latter being but juſt married to the daughter of Baldwin, Earl of Flanders.

Nor was this all (diſaſters ſeldom come alone): Margaret, the King's only daughter, married to the King of Norway, died the ſame year, leaving one daughter only, named alſo Margaret; of whom preſently.

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The King, ſurpriſed at this general ſhock of mortality upon his family, finding himſelf childleſs, and unmarried, but being in his prime of age and ſtrength, reſolves upon marriage, to reſtore his family; and accordingly he marries Joletta, daughter of the Earl of Dreux, in Normandy.

But Heaven had yet farther judgments for Scotland; for before any children were born of this marriage, the King himſelf fell from his horſe, and his kingdom both at once, for he broke his neck in the fall, at or near Kinghorn, a little town in Fife, on the north ſide of the Firth, over againſt Edinburgh.

The only heir to the crown was now Margaret, daughter of Hangonanus, King of Norway, by Margaret aforeſaid, the only daughter of Alexander the Third, King of Scotland.

And here is the firſt demonſtration of what I ſhall all along inſiſt on in this hiſtory, viz. That never any rational proſpect of uniting theſe kingdoms appeared in the world, but both the nations unanimouſly agreed, that Union was for the mutual advantage of both, and that it never was oppoſed by either nation, as a nation, but only as private intereſt, ſtrength of parties, court intrigues, and the enemies of both the nations, have prevailed to prevent their happineſs.

Alexander died in the year 1285, without iſſue,—Vid. Buchan. De Rerum Scoticarum, lib. 7. fol. 71. Edward the Firſt, King of England, a powerful and politic Prince, ſaw himſelf in a condition to manage Scotland by force, as afterwards too ſadly appeared; but a better proſpect at that time being in view, he falls immediately upon a ſcheme, which, if Providence had permitted it to have taken effect, would have ſecured the peace of theſe kingdoms from that time, and prevented the terrible effuſion of blood, which happened that very ſame age, as well as for many ages ſince, between both kingdoms.

And this project was UNION; the King had one ſon Edward, heir to the crown of England, who afterwards proved the moſt unfortunate Prince that ever reigned in England.

The crown of Scotland had but one heir, viz. Margaret of Norway, grandchild to Alexander the Third, by Margaret his daughter, married to the King of Norway. It preſently occurs to the King and his council, that a marriage between Edward his ſon, and this young lady Margaret, then commonly called The Maid of Norway, would neceſſarily devolve both the crowns upon his poſterity, and immediately eſtabliſh the peace of both kingdoms.

Nor was the relation very remote, for Margaret was, as above ſaid, the daughter of Margaret, only daughter of King Alexander, by King Edward's own ſiſter; and therefore the diſpenſations from the Pope were then thought neceſſary to be obtained, as will appear preſently.

Upon the death of King Alexander, ſays Buchanan, in the eighth book of his

his hiſtory, a Convention of the Eſtates was held at Scone, to treat about creating a new King. Theſe are Buchanan's words; "Alexandro cum tota ſtirpe "(præter unam ex filia neptem) extincto, conventus ordinum Sconam indicitur, "in quo de novo Rege creando et ſtatu regni interim componendo ageretur." Buch. lib, 8. fol. 72.

I confeſs, conſidering the character and authority of Buchanan, I much wonder how he could ſay, they met about creating a new King, when in the ſame paragraph, he ſays, "the whole lineage of Alexander, except one grandchild by his "daughter, being extinct:" Now if one grandchild was in being, the convention of eſtates could not be met to create a new King.

Nor does it appear that their buſineſs was to create a new King, but to ſettle the government of the kingdom in ſuch hands, as might ſecure the public peace, during the abſence of their young Queen, and till ſhe could arrive from Norway: And that this was their buſineſs, is alſo evident from Buchanan's own relation, in the ſame chapter quoted above, where he ſays, that when moſt of the nobility were come to the ſaid Convention, in the firſt place, they appointed Vicegerents to govern matters, "eo cum frequens nobi-"litas veniſſet, primum omnium ſex creant, qui ſummæ rerum præeſſent," Buch. lib. 8. fol. 72. for the preſent, that is, till their Queen ſhould arrive.

To this aſſembly Edward the Firſt, King of England, ſends his Ambaſſadors to treat with them, to deſire their Queen, ſays Buchanan, as a wife to his ſon.

The hiſtorical part of this affair is not ſo ſignificant to the preſent purpoſe, as the ſubſtance and intention, the opinion and notion the Nobility, Princes and People of both nations had of the thing they were then doing, in which it will appear,

1. That an intire incorporation of countries, a coalition of intereſts and affection, as well as commerce and conſtitution, was deſigned, even at that diſtance of time, as the only means to ſettle the peace and happineſs of both nations.

2. That it was the beſt juncture that ever had happened, or could happen, for ſuch a coalition, and nothing but the immediate hand of Providence, who reſerved it for a more happy time, and for more happy inſtruments to finiſh, could have prevented it.

And therefore Buchanan ſays of it,—"hi cum in conventu publico multa "de utilitate publica, quæ hoc matrimonium eſſet ſecutura, diſſeruiſſent, "Scotorum animos ab ea affinitate non alienos invenerunt. Erat enim Ed-"wardus vir magni animi, magnæque potentiæ: majoris etiam cupidus: ejuſ-"que virtus, patre vivo, in bello ſacro, & mortuo, in ſubigenda vallia, "enituerat. Neque Scotorum nomen unquam anglo conjunctius fuiſſe,

" meminerant; quam ſub poſtremis regibus, nec odia retucta, unquam com-
" modius aboleri poſſe videbantur, quam ſi uterque populus honeſtis & æquis
" conditionibus, in unum coiret." Buch. de Rer. Scot. lib. 8. fol. 72. Which his homely tranſlator has Engliſhed thus:

" The Ambaſſadors in this ſeſſion diſcourſed much of the public utility like
" to accrue to both kingdoms by this marriage, neither did they find the Scots
" averſe therefrom, for Edward was a man of great courage and power, yet he
" deſired to increaſe it; and his valour highly appeared in the holy war, in his
" father's lifetime, and after his death in his ſubduing of Wales; neither were
" there ever more endearments paſſed between the Scots and the Engliſh than
" under the laſt Kings; yea the ancient hatred ſeemed no way more likely to
" be aboliſhed, than if both nations on juſt and equal terms might be united
" into one."

Here is the very ſubſtance of the Queen's late letter to the Parliament of Scotland, about the Union now made; only here, the people unhappily ſeemed blind to their own happineſs, and ſo long ago they were able to ſee it their mutual intereſt.

The Ambaſſadors diſcourſed with the Nobility, in the Convention, about the public utility like to accrue to both kingdoms.

What is this but mutual ſtipulations, regulations, and in ſhort, a treaty between them how to make an Union between the nations, ſuch as might be for the public advantage of both kingdoms?

And this was done with general endearments between the kingdoms, mutual civilities paſſed between the gentlemen concerned on both ſides, for the good of both; we read of no jealouſies, no prejudices, no radicated antipathies, but the public good convinced both ſides, that nothing could contribute more to the rooting out and aboliſhing the ancient hatred, than to have both nations, on juſt and equal terms, united into one.

Nor is it remote to this purpoſe to enter a little into the articles of this Union; for though hiſtory is very ſilent in this matter, yet, as I have promiſed to ſearch every thing in this hiſtory to the bottom, I find among the records in the Tower of London, an ancient inſtrument or form of this Union or confederacy, which in the Appendix to this work you will have printed at large, and is numbered 1.

And firſt, to let the world be ſatisfied, that, even in ſo remote a time, things of this nature were tranſacted with the ſame due caution and regard to the liberties and good of the people, as they are now, and that it was a national, not a private act, not an act of a few, over-awed by the power of King Edward, though ſeveral ſteps taken in it will be very neceſſary to be noted, for I take this

to

to be the moſt exact pattern of the preſent treaty of any that has ever gone before it; as it was a treaty ſeriouſly ſet about by both nations, with a real deſign for the general utility, and with a deſign on both ſides to bring it to paſs; which is more than can be ſaid of all the treaties which have been ſet on foot ſince.

The firſt ſtep the King took, after his ſending Ambaſſadors to treat with the Convention, ſeems to me to be the obtaining a diſpenſation from the Pope; the Queen and the young Prince being nearly allied; and ſuch was the ſubjection of the princes of the world to the Roman tyranny, that nothing could go on of this nature, without the ſanction of the Church, where, by the way may be obſerved;

That the Pope, as in all ages popes have done, made his advantage of the occaſion, and takes this opportunity to demand of the King an old arrear of an annual penſion of 1000 merks, granted by King John to the holy ſee, and which King Edward had left five years unpaid.

The King, who knew well enough the influence ready money had in ſuch caſes, readily anſwers the Pope's demands, and iſſued his writ for payment of the money.

The true copy of the original warrant to the Treaſurer is added in the Appendix to this work, which being very ſhort, I thought not improper to inſert there, as a thing the curious may be very well pleaſed to read, and is marked No. 8.

It is to be noted, the end of King Edward, in payment of this money, was plainly to get the diſpenſation expedited; for he never paid any more that I read of, nor his ſucceſſors either; I mean on account of that old penſion or grant of King John's.

His Holineſs was ſo exceedingly obliged by this payment of 5000 merks, that he immediately diſpatched the diſpenſation for the marriage of Prince Edward with the heireſs of the crown of Scotland, though within the prohibited degrees of conſanguinity; which diſpenſation is enrolled in the patent roll of 17 Ed. Firſt, and may be found in the Appendix to this work, No. 2.

The next ſtep the King takes is, to ſend Ambaſſadors and letters to the King of Norway, giving his proxy to the Biſhop of Durham, one of the ſaid Ambaſſadors, to eſpouſe the lady in the name of his ſon Edward, wherein the diſpenſation obtained from the Pope, is repeated: this letter and proxy is added in the Appendix, No. 3.

At the ſame time he ſends letters to the keepers or guardians of the realm of Scotland, and to the King of Norway, in anſwer to letters received from them, containing all the articles and agreements on which it was that he propoſed this marriage, which were publiſhed by the King, for the ſatisfaction of the ſubjects of both nations; in which you will find all poſſible care taken of the general good, and ſincere proteſtations, that the end of this marriage was, as is expreſſed

in one of the letters, *ad honorem Dei & tranquilitatem totius communitatis ejuſdem regni.*

Theſe teſtimonials are too ſignificant not to deſerve a place in this Hiſtory, and therefore are placed in their order in the Collection, and numbered 4, 5, 6, 7.

Nor was this all; but I find a large charter or grant, made by the agreement of ſpecial Commiſſioners on both ſides, and ratified by the King himſelf, to the kingdom of Scotland.

In ſhort, it is a mere Treaty of Union between the kingdoms, though not much collateral, but rather particularly to Scotland; this has the great ſeal affixed to it, and the King took an oath to obſerve it, under the penalty of one hundred thouſand pounds ſterling (an immenſe ſum in thoſe days) to be paid to the church of Rome, towards carrying on the wars in the holy land, and on the farther penalty of excommunication, and ſubjecting his whole kingdom to an interdict; things very terrible in thoſe days.

This inſtrument alſo is at large found among the records in the Tower of London, and is re-printed in Prynne's Collection, fol. 395, 396, 397. and added in the Appendix or Collection to this work, No. 9.

Another inſtrument is alſo recorded in old French, wherein the ſecurity to Scotland, for ſurrendering her forts and ſtrengths to the Engliſh on this marriage, is ſettled, and which you will find in the Collection alſo, No. 10.

Thus the affair of an Union was finiſhed above four hundred and twenty years ago; and theſe nations had flouriſhed under its conſequences no doubt;—but Heaven frowned on ſo great a work, and the ſins of both nations permitted not that bleſſing to come in their day; for the lady died in her voyage from Norway to Scotland, having a rough paſſage, and being not able to bear the fatigues of the ſea; and thus all this fair fabrick came to nothing, but was daſhed in a moment, to the inexpreſſible loſs and regret of both the nations.

Buchanan ſays, ſhe died in Norway, before the Commiſſioners arrived; but our Engliſh hiſtorians, and Mr. Tyrrel in particular, whom in this I follow, lib. 9. vol. 3. fol. 6. ſays poſitively, ſhe died in her voyage between Norway and Scotland.

I cannot omit to remind the reader of theſe ſheets, what were the diſmal conſequences of this diſappointment to both theſe kingdoms; and as it was nothing but the immediate hand of Providence that brought it to paſs, ſo it may, without any charge of enthuſiaſm, or over-ſtraining the caſe, be allowed to be one of the ſevereſt judgments that ever Heaven inflicted on this iſland.

And I inſiſt on this, not ſo much as it relates to the preſent hiſtory, but as it may be needful for ſuch people to reflect upon, who have, at the ſame time that they pretended to be lovers of their country, yet vigorouſly oppoſed the uniting theſe nations in this laſt treaty.

The

The breaking of the happy proſpect of Union between the two kingdoms was attended with ſtrange confuſions, all which ſerve to enhance the value of their preſent united ſtate; the hopes of a proſperous peace were not greater on one hand, than the proſpect of diſmal confuſions was horrid on the other; and though it be a digreſſion, I ſhall venture the treſpaſs to give a ſhort abridgment of the hiſtory of thoſe times, as in the courſe of theſe ſheets it ſhall be needful to form a due connection; and I promiſe myſelf, the diverſion will be as pleaſant as profitable, and that nobody will think it loſt labour to read over, what in thoſe ages was tranſacted on the ſtage of their native country.

With the death of this Princeſs, all the thoughts of Union between the kingdoms died alſo, each party began to examine their ſeparate intereſts, not conſulting what was fit to be done for the carrying on their national and general advantages.

The buſineſs of Scotland was, how to ſettle the crown, and who to declare King, the Conſervators or Keepers of the kingdom, appointed by the Convention of the Eſtates aſſembled at Scone, were, according to Buchanan, Duncan Macduff Earl of Fife, John Cumin Earl of Buchan, William Frazer Archbiſhop of St. Andrews, Robert Biſhop of Glaſgow, another John Cumin and one John Steuart.

The principal pretenders to the crown were, John Baliol and Robert Bruce; their deſcent, and the foundation of their claim, is at large to be found in Buchanan's Hiſtory, lib. 8. their titles were remote, and not only pretty equally founded, but their intereſt among the nobility was ſo equal, and either way ſo powerful, that nothing but an immediate and bloody war was apprehended, as the conſequence of their pretenſions.

The King of England, diſappointed in his hopes of bringing the kingdoms to a laſting peace, by uniting them into one, as before, applied himſelf no more to conſult their general good.

But conſidering them in their ſeparate capacity, as two nations that could not long agree, made it his whole ſtudy, either firſt to ſubject Scotland to England, ſo as that making her dependent on England, ſhe ſhould not be able to break with him; or ſo to divide the Scots among themſelves, as that they ſhould be in no condition to hurt him.

Both his ends ſeemed eaſy to anſwer in the occaſion that now offered itſelf; for the Scots nobility being, as I have noted, ſo equally divided in the intereſts of Baliol and Bruce, that they knew not what courſe to take, they reſolved, in order to avoid the confuſions of a war, and conſequently the ruin of their country, to refer it to the arbitrement of the King of England.

This was a full teſtimony of the harmony and good underſtanding which was

then between the nations; and what a happy juncture it had been for an Union, if Heaven had thought fit to bleſs the deſign with ſucceſs, any body may obſerve; for the King of England was looked upon as ſuch a diſintereſted friend to Scotland, and one that would willingly concern himſelf for their good, that they leave the determination of the weightieſt thing in the world, to their nation, wholly to his ſentence.

But I cannot ſay the King acted with equal candour to the Scots, if what the hiſtories of thoſe times ſay may be depended upon; for being a politic Prince, and having a long view of the effects of things before him, he reſolved to keep his eye upon the two particulars noted above, in his determining this affair, and rather to regard his own intereſt than the good of Scotland, or than the juſtice of the claim: he reſolved to ſound the inclinations of the two candidates for the crown, and ſo to give the kingdom to him that would conform himſelf moſt to his meaſures.

Upon this, he treats firſt with the nobility, and appoints a meeting at Berwick; then he exacts an oath of the competitors, to ſtand intirely to, and be determined by his award; then he orders a ſelect number out of the nobility of each nation, as a council in this caſe, twelve of a ſide (Mr. Tyrrel ſays, forty of a ſide); and exacts an oath of them, to adviſe, judge, and determine rightly and truly according to their conſciences.

Theſe were the politic appearances of his management, the better to cover his true deſign; for all this while he cauſes the two competitors to be ſounded underhand, to find out which was moſt likely to comply with his demands.

At laſt the public debates beginning to draw near a period, it was eaſy to ſee that Baliol's title was like to be approved by the twenty-four, as the beſt claim, and that Bruce would loſe it; this the King thought was the juncture to put it home in, and therefore cauſes it to be propoſed to Bruce, that though it was plain he would loſe the crown, yet if he would ſubject himſelf and the crown to the authority of the King of England, he ſhould be immediately declared.

All men muſt allow it was politicly managed; but all the craft of Hell is loſt upon an honeſt man: Bruce, like a man of honour, rejects the propoſal with contempt, and told them that propoſed it, That he ſcorned to enjoy the crown at the price of his country's bondage.

Baliol, whoſe principle was worſe, though his title was better, accepts the baſe conditions, and obtains the crown, ſwears fealty to the King of England, and makes all the nobility that were in his intereſt do the ſame.

All our hiſtorians do not agree in this account, and Mr. Tyrrel, who is very particular in relating the proceedings, vol. 3. lib. 9. fol. 70, 71, 72, takes no notice of this; but others, and particularly Buchanan, being very poſitive,

lib.

lib. 8. fol. 24. I put it down as fact, giving my author's authority for it, and leave the reader to believe as much as he thinks fit of the fact, the ſubject I am upon not depending upon it at all.

But he that baſely yields to a diſhoneſt yoke, in order to gratify his ambition, is much more likely to break the conditions he makes, than he that adheres to honourable articles, and inſiſts on what juſtice gives him a claim to, and thus it was here; for on the firſt affront offered to Baliol by the Engliſh, in conſequence of his ſubjection, he threw off the yoke, and renounced that ſubjection. The caſe in ſhort was as follows:

Macduff Earl of Fife, being injured, as he conceives, in a ſuit depending between him and the Abernethians, for the murder of his elder brother, the King having determined in favour of the murderers, appeals to the King of England againſt Baliol. When the cauſe came to be heard, John Baliol was then at the Engliſh court, and being preſent when he was called to anſwer, offers to plead by a proxy, or as we ſay, to be heard by his counſel; but was refuſed, and obliged to come down, and ſtand at the bar like a criminal, and plead for himſelf.

This broke off all his ſubjection, fills him with indignation; and from this time he ſtudies nothing but revenge. An opportunity ſoon offered to his mind; for a war breaking out between the Engliſh and the French, and both ſoliciting Scotland for aid, the Eſtates of Scotland determine, though in an ill hour for Scotland, to aſſiſt the French.

Thus all the good temper of both nations one towards another vaniſhed at once, and the moſt bloody wars that ever this iſland felt, happened between them.

Baliol, by a ſolemn embaſſy, renounces his ſubmiſſion to England, as extorted by unjuſt methods, and his friendſhip alſo;—and Edward, in return, furiouſly invades Scotland both by ſea and land.

'Tis not at all my deſign, nor to my purpoſe, to enter here into the hiſtory of theſe wars, or the battles, ravages, fire and blood, which the two nations felt during the whole reign of the three Edwards of England, with but ſmall intermiſſions; the particulars whereof would of themſelves make a large volume.—The true reaſon of my mentioning theſe things, will appear in my further proſecuting this ſtory: The ſhort uſe of it is this, that theſe two unhappy nations were always in extremes with one another; nothing but the cloſeſt Union, or the moſt deſtructive war, can be the ſtate they muſt live in together; and this I ſhall but too often make evident in theſe ſheets.

From this breach, the war between the nations came to a ſtrange height, Edward proved victorious over the Scots, and the conſequences of that are eaſy to gueſs, Baliol was cruſhed, his armies overthrown, and the country pierced even to the extremeſt part by the Engliſh.

Edward

Edward calls Bruce to his ſide;—Baliol is taken priſoner and ſurrenders the kingdom;—then the famous Wallace gets up, and carries on the war on the ſubject of mere national liberty,—overthrows the Engliſh in ſeveral encounters, and is made Regent: But is again overthrown by Edward and Bruce at the great battle of Falkirk; and Scotland then intirely ſubmits to Edward, whoſe tyrannical government makes the very Scots, who had taken part with him againſt Baliol, conſpire together to recover their liberty; and one Cuming leaguing with Robert Bruce, ſon to that Bruce who was to have been King; theſe, though enemies before, join together to free their country. But Cuming deſigning to betray Bruce, is killed by him with his own hands in the very church at Dumfries.

How Bruce after this recovered the kingdom from that ſubjection to the Engliſh; how he was often overthrown by Edward, and ſeveral times reduced to hide himſelf in the mountains, and moſt ſecret places of the kingdom, and ſometimes ſo long, that he was ſuppoſed to be dead;—how yet at laſt by innumerable attempts, unwearied pains, and invincible courage, he retrieved his fortune, drove the Engliſh out of his country, overthrew them with a terrible ſlaughter at Bannockburn near Stirling, and after a reign of twenty-four years, full of continual war, againſt the moſt powerful princes England had in theſe ages of the world, he died in peace, his country being recovered out of their hands;—theſe things would be too long a ſtory here to relate.

In this war, by the beſt calculations I can make, of armies raiſed, and battles fought, no leſs than ſix hundred thouſand people of both nations periſhed, and all for want of that happy Union, ſo near perfected, and ſo diſaſtrouſly loſt. A good looking-glaſs for thoſe gentlemen (who have openly wiſhed theſe nations might make a breach either on one ſide or another) to look into, and for them to ſee, if their deſigns had ſucceeded, what their poſterity might have had cauſe to thank them for.

If it be objected, that it does not follow, that on a breach of this laſt treaty of Union, a war muſt neceſſarily have happened, I ſhall take the liberty to enter upon that head by itſelf, and believe theſe ſheets will prove, that a war muſt have been the inevitable conſequence of breaking up this laſt treaty; eſpecially if broken up according to the project of thoſe people that appeared to oppoſe it, who, we all know, acted on principles, both as to trade, civil government, and ſucceſſion, incompatible with the intereſt of both the preſent eſtabliſhments, and as much as can be ſaid perfectly impracticable, as the kingdoms were thus conſtituted: but of this more hereafter.

From this time, we meet with no overtures of ſettled tranquillity between the kingdoms, till the days of Henry Seventh of England, whoſe daughter Margaret was married to James the Fourth, King of Scotland;—and though this marriage

marriage was the mother of Union (as I may term it), and laid the foundation of almoſt all the projects that have happened ſince, and from whence at laſt the crown of England devolved upon the royal line of Scotland, yet in his time there were no immediate ſteps taken towards it. The utmoſt effect of this marriage was an immediate peace between the nations, which, however, did not laſt long, for King James falling in with the French intereſt, fell out with his father-in-law, King Henry the Seventh, and after with his brother, King Henry the Eighth, and loſt his life in that war.

The firſt attempt ſubſequent to this, was a propoſal of Henry the Eighth, who, after this great quarrel was ended, though he was victor, offered to match his daughter Mary (Prince Edward, afterwards King Edward the Sixth, being then not born) to James the Fifth King of Scotland, and to ſecure the poſſeſſion of the crown after himſelf to them jointly; and the deſign of this match, it was evident, could be nothing elſe, but a firm, laſting, and eſtabliſhed peace between the two nations; for having himſelf no ſons, and expecting none, (for the buſineſs of the divorce of his wife Queen Katherine was not then come into his head) he foreſaw this was the only ſtep to unite the nations, and put an end to theſe bloody contentions, that for ſo many ages had been between them; for that the heirs of that match would by conſequence be poſſeſſed of both, and ſo the whole iſland would become one happy and moſt powerful people, united in intereſt, in government, and in every thing that would make them great.

This propoſal was ſo rational, and ſo viſibly tending to the general advantage of both kingdoms, that it could not be ſuppoſed to meet with any oppoſition from ſuch as were in the leaſt concerned for the good of their native country on either hand.

On the Engliſh ſide it met with an immediate good reception, for King Henry the Eighth, contrary to the general conduct of that Prince, whoſe temper was (generally ſpeaking) bloody, fierce, haughty, and too apt to inſult ſuch as fell into his hands; yet here, changing his temper, he cauſed the Scots priſoners, taken at the late battle, to be very well treated, and committed to the ſeveral keepings of the Engliſh nobility, who uſed them honourably, and according to their quality.

I know it is ſaid, that the King, who had this project firſt in his head, diſtributed the Scots noblemen in the houſes of the Engliſh Lords, that theſe might, according to his private inſtructions, deal with them apart, and ſtrive, by promiſes, and ſuch like arguments, to bring them to hearken to ſuch a propoſal, and to begin the treaty; and that the ſaid Scots noblemen were, by this artifice, prompted and brought to make the firſt offer of this marriage, as from Scotland.

But let this be as it will, let the honour of the propoſal lie where it will, it is manifeſt,

manifeſt, both parties were well pleaſed with it, and looked upon it as the beſt method to bring both nations to a ſtate of proſperous and durable peace. But Satan hindered.

It was evident that both kingdoms had a fixed inclination, at that time, for the Union: Henry ſhewed his good will in that he offered to heap up unuſual honours upon the King of Scotland, upon the firſt project of the match, as upon his undoubted ſucceſſor to the crown; ſuch as making him a Peer of Britain, by the royal title of Duke of York, a title veſted in the crown, and ſince the father of Edward the Fourth, reckoned the next ſtep to the throne; But this was not all, he offered to declare him Lord Lieutenant, or Deputy Governor of England, immediately upon the match; this was to put the government, as it were, in his actual poſſeſſion, and make him King by the conſequence of the thing. There is no doubt, but, had this match ſucceeded, there would have been mutual ſtipulations of a complete coalition entered into by the reſpective Parliaments of both kingdoms.

But French and popiſh counſels prevented this happy conjunction, as they have ſeveral others ſince, and would have done the laſt; for the clergy of Scotland finding Henry the Eighth of England had cruſhed the power of the clergy in England, and was ſuppreſſing the abbeys and monaſteries, curbing the extended authority of the Pope, and, as they apprehended, deſtroying their church, they ſet themſelves by all poſſible artifice to prevent this propoſal taking effect; and getting the French King to join his intereſt with theirs, they wrought the King of Scotland to ſuch a diſlike of the match, that he rejected King Henry's propoſal with ſome indecencies, and refuſed him an interview at York, though he had given his word to meet him there. This King Henry ſo reſented, that a war immediately followed (as upon a defeat of an Union has generally happened), in which war, the Scots nobility were ſo ſenſible of the wrong meaſures of their Prince, and the advantages to their country, which he had raſhly rejected, that they followed him very unwillingly, and at laſt wholly abandoned him at Solan-Moſs, declaring, they thought it was not their duty to ruin their country, to gratify the paſſion of their deluded Monarch, and the blinded fury of the clergy: This coſt king James his life, who died of grief, as Buchanan relates, Rerum Scoticarum, lib. 7. fol. 76.

It is true, had this match gone forward, it had not had the deſired effect, at leaſt not immediately, becauſe King Henry the Eighth afterwards had a ſon born, who ſucceeded to the crown, viz. Edward the Sixth; but this is not to the preſent caſe, the deſign was the ſame, nor did it die with the reſpective Kings. Nay, after the birth of the young Prince, King Henry VIII. made a ſecond propoſal of an Union, viz. Of a match between his ſon Edward, and the daughter of

the late King of Scots; and this went ſo far, as to be approved in the Parliament of Scotland, as may be ſeen in the regiſters of that time; but this was again interrupted, as the former had been, by the death of King Henry the Eighth, who left the crown to his ſon Edward the Sixth.

In this reign the project of uniting the kingdoms revived immediately; for the Engliſh council ſaw clearly the advantages accruing to both nations by an Union, and could not ſlip that happy juncture: Their King was a child not above nine years of age; the Queen of Scotland was the like, left by her father at five days old, and crowned in her cradle. The Regency of Scotland, and the Council of Governors of the young King, revive the treaty, and propoſe a match between the King of England and the Queen of Scotland; and built it upon the late agreement made between King Henry and the Parliament of Scotland.

But the French and Popiſh party, who, as I have noted already, oppoſed uniting the kingdoms before, on the pretence of the danger of the Roman church, had now much more reaſon to do ſo; ſince King Edward had declared himſelf, as they eſteemed it, an heretick, and diſowned the Pope, and had erected a Proteſtant church on the ruin of the Romiſh; and on theſe arguments they rejected the propoſal, and broke their former agreement.

And here happened, what I have all along obſerved to be the conſequence of breaking up a treaty between the two nations, viz. a bloody war, like as certainly muſt have happened again, had not this laſt happy treaty intervened, of which I am to diſcourſe in theſe ſheets.

It is not my buſineſs to enter upon the particulars of the war on this occaſion; but two things it will be neceſſary to obſerve, 1ſt, That this war iſſued in the defeat of the Scots Popiſh army at the battle of Pinkie; after which it was expected the young Queen ſhould have been delivered to the Engliſh, and married to their King; and truly, if the frank and generous offer of the conquerors had been in the leaſt regarded, it had been ſo, who after the victory made no ſpoil or havock in Scotland, but, as friends, made a fair demand of their (the Scots) Queen to be married to their (the Engliſh) King, that ſo the nations, being united, might for ever remain one; and this is to be ſeen in that famous declaration of the Duke of Somerſet, the Engliſh General, which, as it is in a ſtyle peculiar, and not uſual in the world among conquerors, I could not omit, and is in the Appendix, No. 11.

1ſt. It was in vain to talk reaſon to a people reſolved; the Popiſh party, who ſaw evidently the ruin of their church; and the French, who ſaw the deſtruction of their ancient league wrapt up in the projected Union of the kingdoms, fruſtrated all the deſign, by conveying the young Princeſs into France; and ſo this ſcheme came alſo to nothing.

This had ſeveral bad effects, which Scotland afterwards regretted; firſt,

that it delayed the reformation in Scotland for near near thirty years after that in England, and made it both difficult, bloody, tedious, and for a long time imperfect; of which I have treated elſewhere. Secondly, it brought her under a French yoke, and for a long time ſhe groaned under the tyranny of French influence, till the nation threw off tyranny and popery together, and reformation came on hand in hand with liberty.

And now the notion of Union between the two kingdoms began to wear out, as a thing, that, though both nations had inclination enough to engage in, yet there was no juncture to make it feaſible, till the death of Queen Elizabeth, who dying without iſſue, the Engliſh crown devolved upon the Scots line; and this produced a kind of Union, I mean an Union of the crowns, but not an Union of the kingdoms; of the imperfection, deficiency and inconveniency of which to both kingdoms, I ſhall make ſome brief obſervations, as they have been the motives to the frequent attempts for a more near conjunction in the ſucceeding times.

The inconveniences to Scotland in this partial Union were, firſt, their removing their court to England, their King, according to the prophetic ſaying of Henry the Seventh, removing his ſeat of government from the leſs to the greater: This was naturally attended with the decay of trade in Scotland, by removing the concourſe of ſtrangers from Scotland, whoſe conſumption of proviſions and manufactures, which are the foundation of commerce, was a great loſs to trade; — with the exporting their ready money out of the kingdom, by the conſtant attendance of their gentry and nobility at the Engliſh court, where they ſpent their eſtates, and ſucked out the blood of their country, to ſupport their luxury and magnificence; — with the continued emptying their nation of their people, who all flocked to England, either for public or private employment, and depopulated, as well as impoveriſhed, their native country; —but above all, the bringing Scotland under Engliſh influence, both as to civil and religious government, was a manifeſt token of the deficiency of this partial Union; for Scotland was after this, in a political though not in a legal ſenſe, always under the management of the Engliſh court; it had the ſubjection without the advantages; her ſeamen were preſſed into the Engliſh ſervice as ſubjects, yet, at the ſame time, excluded the merchants ſervice as foreigners; an Engliſh ſhip ſailed with above one third Scotſmen would be ſeized, as not being ſailed by Engliſhmen; and the colonies of England were at laſt all barred from them, as much as from the French or Dutch. It would be too long a digreſſion, to recite here the various inconveniences Scotland laboured under, from the deficiency of this partial, or merely regal Union, and which made all the well-wiſhers to Scotland deſire, either that there were a more intire Union, or that there were no Union at all.

Nor

Nor was this unforeſeen by either nation; and therefore, no ſooner was King James the Sixth of Scotland come to the crown of England, but he began (before he had learned quite to forget his own country) to project a more near Union of the nations, as the only way to make them both completely happy; this was in the year 1604, when, after ſeveral projects of uniting by his own abſolute authority, a thing then newly taken up in the world, finding all other methods fail, he propoſed it to the Parliament of England, that, to uſe his own words, as they were made one in the head, they might be inſeparably conjoined, and all memory of paſt diviſions be extinguiſhed; at the ſame time he propoſed it in Scotland; and both nations were ſo ſenſible of the mutual advantages of Union, that they readily agreed to it, and Commiſſioners were appointed on both ſides to treat. The names of the Commiſſioners were as follows:

For Scotland:—John Earl of Montroſe, Lord Chancellor of Scotland; Francis Earl of Errol, High Conſtable of Scotland; George Earl Marſhal, Great Marſhall of Scotland; James Earl of Glencairn, Alexander Earl of Linlithgow; John Archbiſhop of Glaſgow, David Biſhop of Roſs, George Biſhop of Caithneſs, Walter Prior of Blantire; Patrick Lord Glames, Alexander Lord Elphinſtone, Alexander Lord Fyvie, Preſident of the Council of Scotland; Robert Lord Roxburgh, James Lord Abercorne, James Lord Balmirinoch, principal Secretary of Scotland; David Lord Scoone; Sir James Scrymgeour of Dudop Knt. Sir John Cockburne of Ormeſtoun, Knt. Sir John Home of Coldonknows, Knt. Sir David Carnagie of Kinard, Knt. Sir Robert Melvill, elder, of Murdocarnie, Knt. Sir Thomas Hamilton of Binnie, Knt. Sir John Leirmonth of Balcomie, Knt. Sir Alexander Straton of Lawreſton, Kt. Sir John Skene of Currihill, Knt. John Sharp of Houſton, Lawyer; Mr. Thomas Craig, Lawyer; Henry Neiſbit, George Bruce, Alexander Rutherford, Mr. Alexander Wedderburn, Merchants.

For England:—Thomas Lord Elleſmere, Lord Chancellor of England; Thomas Earl of Dorſet, Lord Treaſurer of England; Charles Earl of Nottingham, Lord High Admiral of England; Henry Earl of Southampton, William Earl of Pembroke, Henry Earl of Northampton, Richard Biſhop of London, Toby Biſhop of Dureſme, Anthony Biſhop of St. Davids; Robert Lord Cecil, principal Secretary to His Majeſty; Edward Lord Zouch, Lord Preſident of Wales; William Lord Monteagle, Ralph Lord Eure, Edmund Lord Sheffield, Lord Preſident of the Council in the North; Lords of the Higher Houſe of this preſent Parliament. And Thomas Lord Clinton, Robert Lord Buckhurſt, Sir Francis Haſtings, Knt. Sir John Stanhope, Knt. Vice-Chamberlain to the King's Majeſty; Sir John Herbert, Knt. ſecond Secretary to his Majeſty; Sir George Carew Knt. Vice-Chamberlain to the Queen's Majeſty; Sir Thomas Strickland, Knt. Sir Edward Stafford, Knt. Sir Henry Nevil of Berkſhire, Knt. Sir Richard Bulkley, Knt. Sir Henry Billingſley,

Knt. Sir Daniel Dun, Knt. Dean of the Arches; Sir Edward Hobby, Knt. Sir John Savile, Knt. Sir Robert Wroth, Knt. Sir Thomas Chaloner, Knt. Sir Robert Maunſel, Knt. Sir Thomas Ridgeway, Knt. Sir Thomas Holcroft, Knt. Sir Thomas Heſketh Knt. His Majeſty's Attorney of the Court of Wards and Liveries, Sir Francis Bacon, Knt. Sir Lawrence Tanfield, Knt. Serjeant at Law; Sir Henry Hubberd, Knt. Serjeant at Law; Sir John Bennet, Knt. Doctor of the Laws; Sir Henry Withrington, Sir Ralf Gray, and Sir Thomas Lake, Knts. Robert Aſkewith, Thomas James, and Henry Chapman, Merchants.

We do not find among our authors any particular of the debates of theſe Commiſſioners, Spotſwood in his hiſtory, fol. 481. gives in a draught of the articles they agreed on, which for want of room I only refer the reader to; but having obtained, from good hands, a manuſcript of Sir George Mackenzie's, being a little like a journal of their proceedings, I could not but think it very much to the purpoſe, to inſert it in the Appendix to this work, where may be ſeen the true ground-plot of the preſent Union, and the intereſt of both kingdoms, clearly ſtated, as it ſtood then; and, ſaving in matters of religion, remains ſtill: See Appendix, No. 12.

Theſe articles, thus mutually agreed on, were engroſſed and ſigned by the Commiſſioners on both ſides, and preſented to the King the 6th of December, 1604;—but it was obſerved, that the Earl of Saliſbury, at the preſenting the draught to the King, expreſſed it to be the meaning of the Commiſſioners, that theſe articles were but an imperfect agreement, and that they were willing to finiſh and go through the ſame whenever he pleaſed.

However, the King offered it to the Parliament of England, and as Spotſwood ſays, recommended it earneſtly to them: but the more ſecret hiſtory of that affair, was, that the King himſelf falling in at that time with the Engliſh clergy, and oppoſing the proſperity of his own country, upon the ſcore of religion and abſolute will, found ways and means to puzzle this cauſe in Parliament; and firſt, the difficulty of the *poſt-nati*, a thing, which, had the Engliſh at that time propoſed a hearty Union, would never have ſtuck with them, occaſioned a long ſtruggle, and at laſt the Parliament referred it to the common law. While this was doing, the national averſion, particularly in England, ſeemed to revive; and the public appearances in England of a ſpirit of diviſion were ſuch, as one obſerves, that very well diſcovered the King was become an Engliſhman; otherwiſe he would never have borne with thoſe invectives and railings at Scotland, which Sir Thomas Craig, in his book *De Unione Regnorum*, ſays were then publicly uſed in the pulpits and in printed books, while their King was a Scotſman.

Nor was this all, but the King, inſtead of forwarding the Union of the two king-

kingdoms, or promoting the particular advantage of Scotland, fell in with the arbitrary projects of that time, to make himſelf abſolute in Scotland,—as he was alſo doing in England. This would lead me into a vaſt ocean of national confuſions, which received their riſe and conception in the tyrannical temper of this Prince, in which he laid the foundation of the ruin of his poſterity, which, as remote to my preſent buſineſs, I purpoſely omit.

As to Union, nothing further was done till the year 1660;—and till that time, which was about fifty-ſix years, the ſubjects of Scotland enjoyed a freedom of commerce, in common with the Engliſh, to all the Engliſh colonies; but then ſome acts in England paſſing in prejudice of that freedom of commerce, the Scots renewed their complaints, and a commiſſion, ſays Sir George Mackenzie, was granted in the third ſeſſion of the firſt Parliament of Charles the Second in Scotland, and by an act at the ſame time in England, nominating Commiſſioners to adjuſt theſe differences; this was in 1666.

Theſe Commiſſioners met on the twenty-firſt of January, 1667, and the Scots Commiſſioners gave in a propoſal to the Engliſh, for ſettling the differences about trade, which paper I have alſo given you from an original manuſcript of the ſaid Sir George Mackenzie, and which you will find in the Appendix, No. 13.

The debates which followed this paper, ſays Sir George, ſerved only to ſhew the King the neceſſity of commencing a further treaty, viz. Of an Union; and how ineffectual all other treaties would be to bring about the public peace of the two nations.

To this end, a Parliament being called in Scotland the 19th of October, 1667, and the Engliſh Parliament meeting the ſame day, he cauſed the great affair of an Union to be propoſed to both at the ſame time; the Parliament of Scotland, by their letter to the King, expreſſed their readineſs to concur with the propoſal; and that they would grant commiſſion to ſuch as his Majeſty ſhould nominate for that purpoſe, to treat as their repreſentatives; and left it to the King to name the time, place, and *quorum* of their meetings. This being the ſubſtance of the letter, I have omitted the letter itſelf, which is to be ſeen in the regiſters in Edinburgh.

The Parliament of England, by what affairs obſtructed I ſhall not determine, did nothing in it that ſeſſion; but re-aſſumed it in 1670, and impowered the King, by an Act 22 Carol. II. almoſt in the terms the Scots had done before.

The Parliament of Scotland, purſuant to this, granted a Commiſſion for a Treaty, which was almoſt verbatim the ſame with that granted in England; that no debates might ariſe between the Commiſſioners of both kingdoms, about the difference of their Commiſſions, as had fallen out in the year 1604.

And becauſe I ſhall endeavour to relate matter of fact, abſtracted from my own

own obſervations, in this hiſtory, I have, with ſome difficulty, obtained an original manuſcript of the minutes of this ſhort Treaty, which are as follows:

A TRANSCRIPT OF THE TREATY IN 1670.

Wedneſday the 14th of September, 1670.

" In the two and twentieth year of the reign of our Sovereign Lord Charles " the Second, by the grace of God, of England, Scotland, France and Ireland, " King, Defender of the Faith, &c. An act paſſed the Parliament of England, " intituled, An act authorizing certain Commiſſioners of the realm of England, " to treat with the Commiſſioners of Scotland, for the well-being of both king- " doms: and in the ſame year an act paſſed in the Parliament of Scotland to the " ſame effect.

" In purſuance of which acts, and His Majeſty's Commiſſions under the Great " Seals of England and Scotland, the Commiſſioners in the ſaid Commiſſions " named, are all this day in the Exchequer Chamber at Weſtminſter, where His " Majeſty's Commiſſion under the Great Seal of England was read publicly by " the Clerk attending the Commiſſioners for England; and alſo His Majeſty's " Commiſſion under the Great Seal of Scotland, by the Clerk attending the Com- " miſſioners for Scotland; which being done, the Lord Keeper of the Great Seal " of England did let their Lordſhips know, that His Majeſty had appointed " Somerſet Houſe for their future ſitting in this affair, and, by conſent of their " Lordſhips, adjourned their next meeting to be at Somerſet-Houſe, on Saturday " next, at nine o'clock in the forenoon."

AT SOMERSET-HOUSE.

Saturday the 17th day of September, 1670.

" This day the Commiſſioners of both kingdoms being met, the Lord Keeper " of the Great Seal of England delivered to the Earl of Lauderdale, Lord High " Commiſſioner for Scotland, a copy in parchment of His Majeſty's Commiſſion " under the Great Seal of England, atteſted by the Clerk attending the Engliſh " Commiſſioners; and received from his Lordſhip the like copy of the Com- " miſſion under the Great Seal of Scotland; then their Lordſhips received a meſ- " ſage from His Majeſty in writing, and heads therein propoſed to be treated of; " which being read, the Commiſſioners of both kingdoms agreed, to conſider, " againſt their next meeting, in what method to proceed upon His Majeſty's " meſſage, and alſo in what manner their Lordſhips ſhall deliver their opinions " at their general meetings; upon which the next general meeting of the Com- " miſſioners was adjourned to Thurſday the 22d of September inſtant, at nine " o'clock in the forenoon. After this adjournment, the Commiſſioners for Eng- " land withdrew into their own chamber, among themſelves, to conſider of the " method of their proceedings in this treaty.

" Where, firſt, the Lord Keeper of the Great Seal, and the Lord Arlingtoun, " acquainted the reſt of the Commiſſioners then preſent, that His Majeſty had ap- " pointed Mr. John Walker to attend their Lordſhips as their Clerk, which their " Lordſhips approved of, and ordered that he ſhould ſubſcribe their orders and " papers:—' *By order of the Commiſſioners for the kingdom of England:*

' *John Walker*, Clerk.'

" Then, upon debate, it was reſolved, That nothing which ſhall be in debate, " or aſſented, ſhall be taken as the opinion or reſolution of the Commiſſioners of " either kingdom, or drawn into conſequence, or any way made uſe of, unleſs " the whole be mutually agreed to: Alſo, that their Lordſhips would not treat by " papers (as in the treaty of 1667); but that the joint reſolutions of the Com- " miſſioners, at their general meetings only, be reduced into writing, and entered " by both their Clerks. Next, it was reſolved, That theſe two propoſitions be " offered to the Commiſſioners for Scotland, at their Lordſhips next general " meeting, as preliminaries to be jointly agreed and reſolved on.

" Then were read the ſeveral heads offered to their Lordſhips conſideration, in " His Majeſty's meſſage; and upon debate, it was agreed, That the Lord Keeper " of the Great Seal let the Commiſſioners for Scotland, at the next general meet- " ing, know, That upon due conſideration had, their Lordſhips offered the third " head propoſed in His Majeſty's meſſage (viz. the uniting both kingdoms into " one monarchy under his Majeſty, his heirs and ſucceſſors inſeparably) to be " the firſt point to be debated; and then, that his Lordſhip deſire the Commiſ- " ſioners for Scotland, to propoſe, on which of the two firſt heads to proceed " next; but that their Lordſhips were of opinion, not to proceed on the fourth " or fifth heads, till the others be agreed to.

Thurſday the 22d of September, 1670.

" Before the general meeting of the Commiſſioners of both kingdoms; this " day the Commiſſioners of England met in their own chamber, and it was " agreed, that what the Lord Keeper ſhall propoſe at the general meeting be done " in the name of the Commiſſioners.

" Then the Commiſſioners of both kingdoms being met, the Lord Keeper of " the Great Seal offered to the Board, what the Commiſſioners for England had " agreed on, on Saturday laſt, as preliminaries for the better proceeding in this " treaty; the ſubſtance thereof being aſſented to by the Commiſſioners for Scot- " land, it was agreed, the Committee of the Commiſſioners of both kingdoms " ſhould be appointed for the wording of what was agreed to, and to report unto " the Board.

" Alſo his Lordſhip propoſed the third head of His Majeſty's meſſage to be the " firſt article to be debated; which was aſſented to by the Lords Commiſſioners " for Scotland; but ſome objection being made againſt the words ' And ſuc-

" ceſſors,'

" ceſſors,' in that head, the Commiſſioners for England withdrew to their cham-
" ber to conſider thereof, and what words were fit to be aſſented to; where,
" after ſome debate, their Lordſhips reſolved, that, if the Commiſſioners for
" Scotland, at their Lordſhips return, ſhould inſiſt upon leaving out theſe words,
' and ſucceſſors,' to yield to them therein.

" While the Commiſſioners for England were in their chamber, a meſſage
" was brought from the Commiſſioners for Scotland by their Clerk, to know
" whether their Lordſhips would name their Committee there, or at the Board;
" upon which their Lordſhips named the Earl of Angleſey, Maſter Attorney Ge-
" neral, and Sir Leoline Jenkins, and returned anſwer, that they had named
" a Committee of their Commiſſioners.

" Then the Commiſſioners returning to the general meeting, after ſome de-
" bate upon the third head, agreed to leave out the words, ' and ſucceſſors,'
" and that the monarchy be ſtyled by the name of Great Britain. Then the
" Lords Commiſſioners for Scotland let their Lordſhips know, that they had ap-
" pointed the Earl of Kincardine, the Lord Advocate, and Sir Robert Murray,
" to be their Committee; and the Commiſſioners for England named the Earl of
" Angleſey, Maſter Attorney General, and Sir Leoline Jenkins, whom they had
" appointed to be of the ſaid Committee; which Committee were alſo appointed
" to word the third head as agreed to, and to meet when and where they pleaſed,
" ſo as to be ready to make a report on Saturday next. Afterward the Lord
" Keeper propoſed to the conſideration of the Commiſſioners for Scotland, whe-
" ther they would proceed next upon the firſt or ſecond head mentioned in his
" Majeſty's meſſage; then the Commiſſioners for Scotland declared to enter upon
" the debate of the firſt head (viz, The preſerving to either kingdom their laws,
" civil and eccleſiaſtical, entire) on Saturday next, which being agreed to, the
" next meeting, by their Lordſhips general agreement, was adjourned to Satur-
" day next, at nine o'clock in the forenoon.

" The order for the Committee was drawn as follows, viz.

Thurſday the 22d of September, 1670.

" Lords Committees nominated by the Commiſſioners, appointed to treat con-
" cerning an Union between England and Scotland, for the wording the two
" preliminaries, and the third head of his Majeſty's meſſage, as this day agreed
" to, at their Lordſhips general meeting, in order to the entering them by the
" reſpective Clerks attending the Commiſſioners of both kingdoms:

Earl Angleſey,	Earl Kincardine,
Maſter Attorney General,	Lord Advocate,
Sir Leoline Jenkins,	Sir Robert Murray.

" Their Lordſhips to meet when and where they pleaſe, ſo as a report be ready
" for the Board by Saturday next, at nine o'clock in the forenoon.

Friday

Friday the 23d of September 1670.

" The Lords Committees above-mentioned met at nine o'clock in the forenoon " at the Earl of Angleſey's houſe, and after conſideration had, agreed, that " the particulars committed to their charge be worded as follows:

PRELIMINARY ARTICLES.

" That the manner of proceeding between the Commiſſioners of both king- " doms be by conference and debate; and that the reſult of their debates be put " in writing by a Committee of the Commiſſioners of both kingdoms; and after " approbation thereof, the copies of ſuch writings be delivered to the Commiſ- " ſioners interchangeably, ſigned by their reſpective Clerks, and then entered in " the reſpective books, and ſigned by both Clerks.

" That nothing agreed on, or aſſented to, by the Commiſſioners of both " kingdoms, in their treaty, ſhall be taken as the opinion or reſolution of the ſaid " Commiſſioners, nor drawn into conſequence, or any way made uſe of, unleſs " the whole which ſhall be agreed to be reduced into inſtruments tripartite, under " the hands and ſeals of the ſaid Commiſſioners, according to their reſpective " Commiſſions."

ARTICLES OF THE UNION."

" Reſolved, That the two kingdoms ſhall be united in to onemonarchy, under " His Majeſty and his Heirs inſeparably.

" 2. That the name of this monarchy ſhall be, GREAT BRITAIN."

Saturday the 24th of September, 1670.

" The Commiſſioners for England being met in their chamber, the Earl of " Angleſey reported what the Committee of the Commiſſioners of both kingdoms " had prepared, purſuant to their Lordſhips order, at the general meeting of the " Commiſſioners of both kingdoms; upon conſideration had whereof, it was " propoſed, that ſome words might be added to the ſecond preliminary article, " to take off all jealouſies that may remain of any uſe to be made hereafter, of " what ſhall be put into inſtruments *tripartite*, if the Parliaments of both king- " doms ſhall not think fit to confirm the ſame: whereupon a meſſage was ſent " from their Lordſhips to the Commiſſioners of Scotland (in their chamber), " to deſire, that the Committee of the Commiſſioners of both kingdoms might " meet again preſently in the Great Room, which being conſented to, the ſaid " Committee met, and agreed to alter and add to the ſecond preliminary, in " manner following:

" That nothing which ſhall be agreed, or aſſented to by the Commiſſioners of " both kingdoms in their treaty, ſhall be taken as the opinion or reſolution of " the ſaid Commiſſioners, nor drawn into conſequence, or any ways made uſe of " as ſuch, until the whole, which ſhall be agreed unto, be reduced into inſtru-

" ments *tripartite*, under the hands and ſeals of the ſaid Commiſſioners, accord-
" ing to their reſpective Commiſſions; nor then neither, unleſs the ſame, being
" preſented to, ſhall be approved and ratified by the reſpective Parliaments; ſo
" as this preliminary be not underſtood to leave room for debate, or change of
" any thing by the Commiſſioners, which ſhall be put under their hands and
" ſeals, as aforeſaid.

" Which alteration and addition, being reported by the Earl of Angleſey to the
" Commiſſioners for England, was approved of.

" Then the Commiſſioners for Scotland ſent a meſſage to the Commiſſioners
" for England, deſiring that the ſaid Committee might meet again preſently in
" the Great Room, which was agreed to; where being met, the Committee of the
" Commiſſioners for Scotland propoſed an addition to be made to the firſt arti-
" cle of Union agreed upon, of theſe words, *They being of the progeny and poſte-*
" *rity of King James, His Majeſty's royal grandfather of glorious memory.* Which
" addition the Earl of Angleſey reported to the Commiſſioners for England,
" whoſe Lordſhips upon debate thereof, agreed to offer at the general meeting
" of the Commiſſioners of both kingdoms, the article thus altered: 'That the two
' kingdoms ſhall be inſeparably united into one monarchy under His Majeſty
' and the heirs of his body, and for want of ſuch heirs, under the body of King
' James, His Majeſty's royal grandfather of glorious memory.'

" Then the Commiſſioners of both kingdoms being met, the Lord Keeper of
" the Great Seal read the two preliminary articles, prepared by the ſaid Com-
" mittees, to which the Commiſſioners for Scotland declared their agreement,
" and the Commiſſioners for England theirs; alſo his Lordſhip read the two
" articles of Union upon the third head in his Majeſty's meſſage, worded by the
" ſaid Committees, with the addition of ſuch words, as the Commiſſioners for
" England, upon the motion of the Commiſſioners for Scotland, thought fit to
" aſſent unto; to which articles the whole Board conſenting, the ſaid preliminary
" articles of Union were written fair, and ſigned by the reſpective Clerks, and
" then (being openly read again by the Clerk attending the Commiſſioners for
" England) were interchangeably delivered to the Commiſſioners of both king-
" doms, to be entered in their reſpective books, and ſigned by both Clerks.

" Next the Earl of Lauderdale, Lord Commiſſioner for Scotland, offered the
" firſt head in His Majeſty's meſſage, to be then proceeded on, *viz.* 'The pre-
' ſerving to either kingdom their laws civil and eccleſiaſtical intire;' to which his
" Lordſhip declared, they did agree in general, but differed as to the meaning
" of it; thus:

" That the laws and cuſtoms, civil, criminal, and eccleſiaſtic judicatories and
" offices of either kingdom be preſerved, and remain intire in all time coming, as
" they are before the Union. And that all actions, proceſſes, cauſes and queſ-

" tions,

" tions, civil, criminal, or eccleſiaſtical, concerning the ſubjects of Scotland, or " any of them, in their lives, rights, properties, or other intereſts in Scotland, be " only tried, judged, and determined in Scotland, by the ordinary and compe- " tent judicatories there, and ſhall not be heard, purſued, or judged in England, " in the firſt inſtance, or by way of appeal, review, reduction, or by any other " way whatſoever.

" After ſome debate had hereupon at the Board, to the end their Lordſhips " might the better conſider thereof, the Lord Keeper (by the general conſent of " the Commiſſioners of both kingdoms) adjourned the next meeting to Thurſday " the 13th day of October next, at nine a clock in the forenoon.

" After which, the Commiſſioners for England met in their own chamber, to " debate and prepare themſelves upon this point againſt the next general meet- " ing; and after ſome time ſpent thereupon, departed."

Thurſday the 13th of October, 1670.

" This day the Commiſſioners for both kingdoms preſent being met in the " Great Room, the Earl of Lauderdale did intimate to their Lordſhips, that, in " regard of His Majeſty's being at preſent at Newmarket, where many of the " Commiſſioners appointed for this treaty are attending on His Majeſty, he con- " ceived there was ſufficient reaſon for adjourning their proceedings for ſome " few days longer; upon which, by the general conſent of the Commiſſioners " preſent, the next meeting was appointed to be on Thurſday the 20th of Oc- " tober inſtant, at nine o'clock in the forenoon."

Thurſday the 20th of October, 1670.

" The Commiſſioners for England being met in their chamber, the firſt " head propoſed in His Majeſty's meſſage was read, with the propoſition made by " theCommiſſioners for Scotland, as an explanation thereof; which being de- " bated by their Lordſhips, after ſome time ſpent it was agreed, to deſire the " Commiſſioners for Scotland to expreſs their meaning more clearly, as to the " legiſlative power of the Parliament, which will be for Great Britain after the " Union. Upon which the Commiſſioners for both kingdoms being met, the " Lord Keeper offered to the Board, that the Commiſſioners for England had " conſidered of the propoſition made by the Commiſſioners for Scotland upon " the firſt head in His Majeſty's meſſage now under conſideration; and having " read the propoſition, told their Lordſhips, that as the propoſition is made, the " Parliament which will be for Great Britain will have no legiſlative power to " alter or change any laws, how grievous ſoever; beſides, there will be no power " any where to alter the laws in Scotland, though the ſubjects of Scotland ſhould " deſire it; and therefore deſired their Lordſhips, the Commiſſioners for Scot- " land, to explain their meaning upon that propoſition.

" Whereupon

" Whereupon the Commiſſioners for Scotland deſired to withdraw, whoſe " Lordſhips ſoon after returning, the Earl of Lauderdale delivered the meaning " of the Commiſſioners for Scotland, as follows, viz. ' Our meaning is not hereby ' to determine every particular law of Scotland to be unalterable; but we can- ' not ſay any thing to the way of altering, till the next article concerning the ' Parliament be treated.'

" Upon which the Commiſſioners for England deſired to withdraw for a while, " to conſider of what was offered, and return preſently.

" Whoſe Lordſhips being withdrawn to their own chamber, the ſaid anſwer of " the Commiſſioners for Scotland was there read; and upon ſome conſideration " had thereof, it was agreed, to take a little more time to conſider more fully " thereof, and upon their return, to propoſe the ſame to the Board, and a preſent " adjournment. Then the Commiſſioners for England being returned into the " great room, the Lord Keeper did let the Board know, that their Lordſhips " conceive the matter propoſed worthy a little more time, in which it might be " better conſidered, as well by their Lordſhips the Commiſſioners for Scotland, " as the Commiſſioners for England; whereupon, by the general conſent of the " Commiſſioners of both kingdoms, the next meeting was adjourned to Satur- " day the 22d inſtant, at nine o'clock in the forenoon."

Saturday the 22d of October, 1670.

" The Commiſſioners for England being met in their chamber, read the laſt " paper delivered by the Commiſſioners for Scotland, and thereupon agreed to " offer at the Board, that they are ready, if their Lordſhips of Scotland pleaſe, " to proceed upon the ſecond head propoſed in His Majeſty's meſſage, viz. ' The uniting both Parliaments into one;' and to receive what the Commiſſion- " ers for Scotland ſhall offer thereupon.

" Then the Commiſſioners for both kingdoms being met, the Lord Keeper " expreſſed the ſenſe of the Commiſſioners for England, upon the expoſition " made by the Commiſſioners for Scotland, upon the firſt head propoſed in His " Majeſty's meſſage; and did let the Board know, that, if their Lordſhips of " Scotland think fit, they are ready to proceed upon that head; and if they " pleaſed to offer any particulars upon it, the Commiſſioners for England were " ready to proceed thereupon.

" Upon which the Commiſſioners for Scotland declared their willingneſs to " proceed upon that head; but deſired time to conſider of what ſhall be thought " fit to be offered on either ſide upon it, until another meeting.

" Whereupon, by the general conſent of the Commiſſioners for both king- " doms, the next meeting was adjourned to Thurſday the 27th inſtant, at three " o'clock in the afternoon.

" Then

" Then the Commiſſioners for England returned to their chamber, to con-
" ſider in what manner to proceed upon the ſaid head; and after ſome time
" ſpent, agreed to hear what the Commiſſioners for Scotland will, at their next
" meeting, propoſe upon that head.

" By His Majeſty's order, on the 26th of October, the next meeting of the
" Commiſſioners of both kingdoms was put off to Tueſday the firſt of No-
" vember, 1670, at nine o'clock in the forenoon."

Tueſday the 1ſt of November 1670.

" The Commiſſioners for England being met in their chamber, to conſider of
" the ſecond head in His Majeſty's meſſage now to be treated on, agreed to
" propoſe to the Commiſſioners for Scotland, that, conceiving their Lordſhips
" intend a proportionate number of Members to ſit in both Houſes of the Par-
" liament, which ſhall be for Great Britain, they deſire to know from the Com-
" miſſioners for Scotland, what that proportion ſhall be for Scotland, as to Eng-
" land?

" Then the Commiſſioners of both kingdoms being met, the Earl of Lau-
" derdale declared, that, according to agreement, the Commiſſioners for
" Scotland were ready to proceed upon the ſaid ſecond head.

" To which the Lord Keeper anſwered, that the Commiſſioners for England
" did likewiſe agree to it; but ſuppoſing the Commiſſioners for Scotland intend
" a proportion of Members as to the balance of that Parliament, deſired to know,
" what that proportion ſhall be for Scotland, as to England?

" Upon which the Earl of Lauderdale declared, that they came to this treaty
" by the authority of the Parliament of Scotland, and were named by his Ma-
" jeſty; and they did not ſee how their number ſhould be leſs, than now it is in
" the Parliament of Scotland, without incapacitating ſome Peers in Scotland,
" and cutting off ſome ſhires and royal boroughs from ſending Members to Parlia-
" ment, which would be a hard taſk to undertake, their Lordſhips being to give
" an account of this treaty to the Parliament of Scotland. Upon which the
" Lord Keeper told them, that, their Lordſhips having propoſed a thing which
" the Commiſſioners for England could not expect, it would be fit to take ſome
" time to conſider thereof. Which being agreed to, the next meeting (by the
" general conſent of the Board) was adjourned to Tueſday the eighth of No-
" vember inſtant, at three o'clock in the afternoon, to debate this ſubject.

" Then the Commiſſioners for England being returned to their chamber, after
" ſome debate, it was agreed, to deſire Maſter Attorney General to draw ſome
" reaſons to be offered to their Lordſhips conſideration, at their next meeting,
" againſt what the Commiſſioners for Scotland have propoſed, concerning their
" Parliament being entirely united to the Parliament of England."

" *Tueſday*

Tueſday the 8th of November 1670.

" The meeting of the Commiſſioners of both kingdoms intended to be this " day, was put off till Saturday next, the 12th of this inſtant, at three in the " afternoon.

" By his Majeſty's order, on the 11th of November 1670, the next meeting " of the Commiſſioners of both kingdoms was adjourned to the laſt Thurſday " in March next coming."—And never met more.

Any one that peruſes this ſhort treaty, or rather conference, may ſee that theſe times were not tempered for an effectual Union; and thoſe that know any thing of the ſecret hiſtory of that day, will alſo know there were private deſigns then on foot, which made a nearer Union inconſiſtent with the views of the Court.

The Scots inſiſted on a conjunction of Parliaments, not an incorporation of foundations, as has now been propoſed; England durſt never hear of ſuch a conjunction of Parliaments, on account of Church matters; knowing, that, though Epiſcopacy was then eſtabliſhed in Scotland, yet, that the ſecret bent of that nation was Preſbyterian; and they durſt not think of a conjunction of Houſes on that ſcore.

And here I would aſk leave of the Gentlemen in Scotland, who have oppoſed the preſent Union, in regard of its hazard to the Preſbyterian Church, to remind them, what reaſon they have to look back to the days of this treaty, and be thankful, that the Union was not compaſſed at that time; and to conſider, why they ſhould have ventured putting it off to a farther time, ſince, had it happened in that time, when Epiſcopacy had the face of a legal eſtabliſhment in Scotland, the Preſbyterian Church had for ever ſunk under its weight, and been exploded by the laws of both kingdoms; both kingdoms had been obliged to keep it down, and it could never, miracles excepted, have recovered itſelf in that nation.

And thus I have traced the ſeveral endeavours to unite theſe kingdoms in former times, in which I have been as brief as I can; I ſhall conclude this with only one remark, which I believe will appear to be juſt. Through the whole courſe of the ſeveral treaties hitherto named, the firſt excepted, which was diſappointed by a mere judgment from Heaven, I mean the death of the Maid of Norway; all the reſt of the propoſals for Union between theſe kingdoms met with their particular obſtructions from Popery, French intereſt, home-tyranny, or court-intrigues; theſe were the only enemies of Union, and, I believe, it may, without partiality, be added, *and ſo it is now.*

We are now come to the preſent times, King James the Second, in England,

or

or Seventh in Scotland, had no other Union in view, but that of uniting all his kingdoms to the church of Rome; and this put him upon meaſures perfectly diſtinct from all that had gone before him, from whence we have had two famous revolutions in Britain, one in the regal ſtate of both kingdoms, the other in the eccleſiaſtic ſtate of Scotland, from Epiſcopal to Preſbyterian:——This was no ſooner brought to paſs, but Scotland put the King in mind of their deſires to unite, in their letter to King William; of which preſently.——But all that Prince's reign, this good deſign met with obſtructions, of which I ſhall be ſomething particular in its place. And thus we are brought down to Queen Anne, in whoſe reign this great work was once attempted, but proved abortive; and at the ſecond eſſay was brought to perfection, as will be ſeen in the ſequel of this ſtory.

OF

OF
AFFAIRS IN BOTH KINGDOMS,
INTRODUCTORY OF A
TREATY OF UNION.

BEFORE I enter upon the proceedings in the reign of Queen Anne, towards a general Union of theſe kingdoms, it is abſolutely neceſſary to the right underſtanding of things, to take a ſhort view of the poſture of public affairs in the reſpective kingdoms, and what it was that rendered the Union ſo abſolutely neceſſary at this time, that to all conſidering people, who made any tolerable judgment of things, it was plain there was no other way left, to prevent the moſt bloody war that ever had been beween the two nations.

At the revolution, as has been already noted, and ſeveral times during the reign of the late King William, motions had been made frequently, both on the King's ſide and on the peoples alſo, to come to a treaty; but that Prince had always one thing or other caſt in his way, to prevent his good deſign.

The King was often heard to ſay, that this iſland could never be eaſy without an Union, and if either of them underſtood their own happineſs, they would never reſt till it was brought to paſs. And, as I had the honour to mention it once among other things, in a ſcheme of general peace among the Proteſtant intereſts in Europe, I cannot forget, that his Majeſty expreſſing ſome concern at it, returned, " I have done all I can in that affair; but I do not ſee a temper " in either nation that looks like it;"—and added, after ſome other diſcourſe, " It may be done, but not yet."

During the whole reign of this prince, the breaches between the two kingdoms rather widened and increaſed, than tended to a cloſe; and ſeveral national unkindneſſes paſt between them, which prepared both ſides, as it were, to reflect upon and reproach the other; there wanted not alſo a ſet of wicked inſtruments always to blow the coals of diſcord between the kingdoms into a flame, and, if poſſible, to bring the nations to a rupture.

Some of theſe paſſages which, I ſay, tended to eſtrange the nations, and, as it were, prepare them for a breach, rather than for an Union, were theſe :

The ſettling an African or Indian Company in Scotland, and the ſeveral claſhings of intereſt between the two nations on that head.

The affair of Glenco.

The difficulties about the ſucceſſion and limitations.

The act of ſecurity there.

The act in England intituled, " an act for preventing dangers ariſing from " the Act of Security in Scotland."

The ſeizing the ſhip the Worceſter, and execution of Captain Green, and ſeveral others.—

All theſe things concurred to convince thoſe that had the leaſt knowledge of affairs in both kingdoms, that nothing but an Union could prevent the nations falling all to pieces, as ſoon as ever the Queen ſhould die, if not ſooner; and that, therefore, it was immediately and heartily to be ſet about, as the only way to preſerve the public tranquillity, and prevent the certain miſchiefs that threatened the whole body.

I ſhall not enter into a particular hiſtory of theſe ſeveral caſes, as being too tedious for this tract; but as it is neceſſary to ſay ſomething of them, to convey the right underſtanding of theſe matters to poſterity, and that more regularly to introduce the general thing I am upon, *viz.* The Union, I cannot wholly omit them.

And firſt, for the African Company, the large commiſſion that Company obtained, by which they ſeemed to rival the Engliſh, both in their Guinea, Eaſt-India, and Weſt-India trade, was ill reliſhed by the Engliſh, who at that time were in an odd and unſettled poſture, as to thoſe trades at home. And as this is not rightly underſtood by a great many, that run round about for reaſons of the Engliſh Parliament's falling upon that affair, it may not be amiſs to ſet it in a clearer light.

The Engliſh Eaſt-India trade, being for a long time preſcribed in the narrow limits of an excluſive Company, who tyrannized not a little in their abſolute management of that trade, and became grievous to the reſt of the merchants, many attempts were made to lay open their ſtock, and increaſe ſo great, and ſo beneficial a trade; but the Company withſtood all the attempts that way, and kept all invaders off; till at laſt by the mighty advance of two millions to the government, the new Eaſt-India Company got a charter, and ſet up againſt them :—How they rivalled one another, and with mighty ſtruggles too much embarraſſed the whole nation, till the King himſelf was obliged to concern himſelf in uniting them; and how he brought that great work to paſs, are things not ſo

much to my preſent purpoſe; but, at this time, viz. 26 June, 1695, the Scots Company obtained their ſettlement.

Whatever proſpects the projectors of that Company had in their view, ſome of which will, I doubt, hardly bear a hiſtory, I never heard one of them pretend, that either the ſtock to carry it on, or the market for their trade, could be found in Scotland; and from hence, with other particular objections, which, I believe, they never debated, I pretend to ſay, they could never really propoſe any rational probability of ſucceſs.

If they imagined to obtain help from abroad, they indeed were in the right, for they could not but know, that the merchants in England would leap at a propoſal to get into the Eaſt-India trade, free from the bondage of the Company mentioned before;—but if they imagined alſo, that this could do leſs than embark the Engliſh Government againſt them, and bring the Public to concern themſelves about it, they were exceeding ſhort-ſighted, or muſt at the ſame time believe the other very ignorant in the affairs before them.

The firſt ſtep the Company took, was to open books for ſubſcriptions at London, and afterwards at Hamburgh; and this was no ſooner done, but the Engliſh Company took the alarm at both, and obained, by their intereſt with the Government, inſtructions to the Engliſh Reſident at Hamburgh to oppoſe it there, which was done moſt effectually. The Engliſh Reſident, as it was ſaid, tacitly threatening the Hamburghers, that the Engliſh ſhould remove their ſtaple of cloth to the city of Bremen, and ruin the trade of Hamburgh: whether he did actually threaten them ſo or no, I do not affirm; but, it is certain, he ſo managed affairs, that the ſubſcriptions begun there were ſtopped, and the deſign on that ſide effectually ruined. Then they (I mean the Engliſh Eaſt-India Company) applied themſelves to the Engliſh Parliament, and, by offering plauſible reaſons there, ſoon obtained their votes againſt it alſo, and againſt any of the ſubjects of England ſubſcribing to it; and the Scots merchants, who had ſubſcribed in England, were ordered to be impeached of a miſdemeanor, though the Parliament being near a cloſe, thoſe impeachments dropped of courſe.

Theſe things had the deſired effect; for they cruſhed the attempt of raiſing a new Eaſt-India Company in theſe parts of the world; and the projectors then played their other game of Darien, in which they had the ſame unhappineſs, viz. to put the Engliſh nation under a neceſſity of oppoſing them.

I do readily allow, the firſt ſcheme of a trade to the Eaſt-Indies had a probability of ſucceſs in it; a thing I cannot grant to the affair of Darien; which, I think, had not one branch belonging to its contrivance, but what was big with neceſſary abortions, ſuch as remote mines of gold to be gained and maintained by force againſt the Spaniards, in which England could not, without breach of faith,

faith, aſſiſt; ſuch as a trade for European goods with the Spaniſh colonies, which muſt always have been by force, or by ſtealth; and neither of theſe had any rational probability.

As to their trade over land to the South Seas, and thence to the Indies, though much boaſted of, it anſwers for itſelf, and ſeems a too impracticable whimſy to merit any reply, much like that other dream of making a navigation, or communication between the South Seas and the gulph of Mexico, by the river of Darien; which, if all were done, and the diſtance meaſured to that part of India, to which we chiefly trade, viz. the Coaſt of Coromandel, Surat, Bay of Bengal, &c. I think any body will determine the voyage by the Cape of Good Hope, the better paſſage by much, and very little if any thing longer.

But to come to the caſe: the Company, or rather the projectors, who had now embarked the gentlemen in a ſubſcription of 400,000 pounds ſterling, carried on their deſign, and with two ſhips.

Men and a cargo perfectly unqualified for any kind of trade, either with Engliſh or Spaniards, ſet ſail, and landing at Darien, made a ſettlement there, fortified themſelves, and prepared to maintain it.

The Spaniards, who claim a right there, (and whether that right be diſputable or no is not the queſtion here,) immediately proceed by a double method, firſt, to prepare to diſlodge them by force; and ſecondly, apply themſelves to the King of England, claiming, by virtue of the treaty made with England, ratified and exchanged, that no ſuccour ſhould be given to the Scots from any of the Engliſh colonies in America.

This, as an expreſs ſtipulation, could not be denied by the Engliſh Court; and accordingly a proclamation was exhibited by the King of England, and ſent to all the Engliſh plantations, forbidding trade or correſpondence with them.

I cannot help ſaying, had the managers of the Company's affairs had the leaſt forecaſt of things, they could not but have expected all that happened here; and alſo might have known, that, had they acted right, thoſe proclamations could have done them no manner of damage.

Whoever has the leaſt knowledge of the affairs of that country, and of the trade of the Engliſh colonies, muſt needs know, that, had the Scots Company, who had placed themſelves at Darien, been furniſhed either with money, or letters of credit, they had never wanted proviſions, or come to any other diſaſter, notwithſtanding the proclamations of the Engliſh againſt correſpondence.

Nor will any man be ſo vain to ſay, that they ought to have ventured on ſuch a ſettlement, depending on ſupplies from the Engliſh, eſpecially when, in their affairs of Hamburgh and London, which were before all this, they had ſeen the Engliſh concerning themſelves againſt their Company; much leſs ſhould

they have gone to plant themſelves in a climate unfit for product itſelf, with neither caſh nor credit to buy in other places.

At laſt it is apparent, that, notwithſtanding the proclamations, and after all the officious care of the Governors of the Engliſh colonies, yet ſeveral ſloops of proviſions came to them, but found them on the other hand unfurniſhed to purchaſe, except with ſuch goods as were fit for no market; nor could they give bills any where to make good the value.

The trade to the Spaniſh Weſt Indies is forbidden in thoſe parts, under the ſevereſt penalties of loſs of goods, confiſcation of the ſhip, and death of the people; and yet we ſee, that, at Jamaica for the Engliſh, and Curaſoe for the Dutch, they carry on a prodigious trade, encouraged by the gain of it.

Had the Scots at Darien had any thing ſufficient to encourage the traders thither, they had never wanted proviſions; and as they were unprovided that way, they muſt have ſtarved, had there been no prohibitions at all; for they would have found few of the planters, or merchants of the colonies, inclined to have furniſhed them without money.

This I think clears up the caſe ſufficiently, and therefore I ſhall ſay no more to it here; it is thus far to the preſent purpoſe, that this diſaſter of the Scots, be the fault where it will, was one of the great occaſions of ill blood between the nations; while thoſe that took all opportunities to widen our breaches on both ſides, continually cried out in England, that the Scots were encroaching upon our trade, and ſetting up a new Eaſt-India trade; and, on the other hand, in Scotland they complained of the unnatural and barbarous treatment of the Engliſh; both which took with the common people of either nation, to the unſpeakable diſquieting of their minds, and raiſing continual reproaches againſt one another, without giving themſelves leave to inquire into the grounds and reaſons of things.

I have been the larger on this head, becauſe I think this to be the firſt handle that our quarrelſome people took hold of to object againſt one another, and on which the future jealouſies between the nations were pretended to be built.

The affair of Glenco was another ſtep to national breaches; and though every body tells me, I muſt handle this very gently, perhaps they may ſee there is not ſo much cauſe for it as they imagine.

And having the honour to have had ſomething of this from perſons very near the King, and perhaps from His Majeſty's own mouth, I ſhall only ſtate the general, ſo far as it has been reported to the injury of that glorious Prince, and to the exciting national animoſities between us.

In doing this, I ſhall only avoid naming of perſons, let the guilt die in their graves;

graves; we are not now calling up the perſons to judgment, but ſetting the matter in a clear light.

That the Glenco men, among ſeveral other clans of the Highlanders, were enemies to the Government at that time, had been in arms under Dundee, and had on all occaſions ſhewn their implacable averſion to King William, and all the intereſt of the Revolution, needs no proof, and is owned even by the greateſt friends to the cauſe.

That theſe people were not only very troubleſome, but dangerous, and had committed ſeveral hoſtilities, murders, robberies and depredations, on both the innocent country people their neighbours, as well as on the garriſon of ſoldiers placed on that ſide to ſuppreſs them, is alſo out of diſpute.

The defence made for this is ſhort,—that they were fair enemies, and had profeſſed open war.

It is anſwered thus: that,

1. They cannot be owned as open enemies, becauſe they really had no commiſſions from King James. And 2dly. The war was as it were ſuppreſſed; the generality had laid down their arms, and ſubmitted; and theſe, as a few deſperadoes, kept up the quarrel rather as an advantage of rapine and plunder, than a ſervice to their pretended maſter, or his cauſe.

2. Suppoſe them at open war, it has been the known practice in war, when a governor of a garriſon holds out without expectation of relief, without any proſpect but mere deſperation and miſchief, to give ſuch no quarter; no conditions at all; but even after taking the place, to hang them up in cold blood, as wild beaſts, that make no fair war, and deſerve no fair treatment.

As His Majeſty had this account given him of theſe people, and I do not find but it was a true account too, it was the advice of the General and officers employed at that time, that it was a miſchief which, as times then went, might be very dangerous to the Public, and that therefore it behoved them to take ſome immediate courſe with them; and ſince deſperate miſchiefs require remedies of the ſame kind, they thought the firſt force the beſt, and propoſed to march immediately with a body of troops into the place, and intirely root them out as a den of thieves and deſtroyers, without which the peaceable ſubjects could never be ſafe, nor the Government be eaſy: that the charge of maintaining troops there was an intolerable burden to the country, and as there was no other way could prevail to preſerve the peace, it was abſolutely neceſſary to come to extremity.

His Majeſty, who, by his experience in military affairs, was ſoon convinced both of the juſtice in point of war, and neceſſity in point of government, of this advice; yet, out of his mere goodneſs of diſpoſition and general clemency,

anſwered,

anſwered, he agreed to their reaſons, but required, that before any ſuch extremities ſhould be uſed with them, a proclamation ſhould be publiſhed, offering pardon, or remiſſion, for all violences and villainies paſt, to all thoſe people without exception, who within a certain time ſhould come in, lay down their arms, and ſubmit to the Government, and take the oaths as peaceable ſubjects.

It is here viſible that His Majeſty's intentions were not only juſt and honourable to theſe people, though his implacable enemies, but that he reſolved, like a merciful Prince, to try all reaſonable methods of tenderneſs and goodneſs, if poſſible, to keep the peace, and ſave the offenders too.

With this proclamation, commiſſion was given to the military power, if this merciful method could not prevail, they ſhould proceed to extremities; and by force of arms deſtroy all thoſe that ſhould ſtand out, and not comply with the proclamation. And His Majeſty's orders were, as far as relates to this part, as follows:

The inſtructions were to Sir Thomas Livingſtoun, dated January 11, 1692. The firſt clauſe is thus:

" You are hereby ordered and authorized to march our troops, which are now " poſted at Innerlochie and Innerneſs, to act againſt thoſe Highland rebels, who " have not taken the benefit of our indemnity, by fire and ſword, and all man- " ner of hoſtilities; to burn their houſes, ſeize or deſtroy their goods, cattle, " pleniſhing or clothes, and to cut off the men."

The fourth article runs thus:

" That the rebels may not think themſelves abſolutely deſperate, we allow " you to give terms and quarters; but we are ſo convinced of the neceſſity of " ſeverity, and that they cannot be reclaimed, that we will not allow you to give " any other terms to chieftains, heretors, or leaders, but to be priſoners of war, " whereby their lives are ſaved; but for all other things they muſt ſurrender " on mercy, and take the oath of allegiance."

In additional inſtructions, one clauſe is thus dated the 16th of Jan. 1692.

" If that Mackean of Glenco, and his tribe, can be well ſeparated from the " reſt, it will be a proper vindication of the public juſtice to extirpate that ſect " of thieves."

Thus far I think I may undertake to ſay his Majeſty proceeded by the known cuſtom of all the moſt juſt governments in the world, and it would be needleſs to examine hiſtories to bring precedents here to juſtify the method.

It is certain, and all men allow that the Glenco men had not complied with the proclamation; nay they had rejected two indemnities.

I know it is objected, that Glenco came and took the oath ſix days after the time, made a legal and juſt excuſe, and ſent word of his willingneſs to comply

with it, and that it was only a treſpaſs of time, which they ſuppoſed he had repaired; that the end of the proclamation was anſwered, and that the King, who was mercifully inclined, would never have taken the lives of people, reſolved to ſubmit, for a treſpaſs of days.

To this I anſwer, as his Majeſty himſelf did in that caſe, that indeed had he been in the field, and on the ſpot, and that excuſe had been ſent to him, he might have accepted it; but that as commiſſions in caſes of war are to be punctually executed, he could not require it of the officers to accept it as an excuſe againſt a poſitive proclamation, and an expreſs order; beſides, I do not find any but the chief had gone thus far, the reſt not having come in at all.

It is alledged, that the execution was from private malice; but none could ever yet have the face to charge His Majeſty with that; and I could never hear of any reaſon given why the commanders of the forces ſhould have any, much leſs thoſe at whom the ſcandal of it was pointed, upon pretence of giving unwarrantable orders.

But the caſe chiefly lies here: the men fell under the misfortune of a criſis in war; they brought themſelves into it by an omiſſion of time; to ſay, they could not avoid it, does not reach the caſe: if the officers can be charged with any private revenge in this caſe: I have only this to ſay.

1. I never yet ſaw any reaſon to think ſo; no perſonal grudge or quarrel ever appeared, that I ever met with, or was ſo much as alledged in it, or gain pretended to be made by it, if the Earl of B—— had any private game, it neither affected the King, nor the other perſons charged with the thing.

2. If it were ſo, it no way affects the King, againſt whom the reproach of this affair is ſince pointed, who acted nothing but what was agreeable to the laws of war, and mixt it with that general bleſſing of his temper, an unuſual clemency.

If the commiſſion given was executed with barbarity, and blood, killing people in what we call cold blood, ſurpriſing them in peace, and dependence on ſafety, all this will turn upon the merits of the firſt cauſe: for if they were by the laws of war to be deſtroyed, all manner of ſurpriſes become juſtified by the ſame law. As to the cruelties and exceſſes of the furious ſoldiers, no man can have the face to reproach His Majeſty with that.

The grand queſtion remains yet behind, why did not the King cauſe the offenders to be made examples, and ſeverely puniſh the murderers?

I ſhall anſwer,

1. If his Majeſty's peculiar was too much clemency, I think ſome of thoſe that make the loudeſt exclamations on this article ought to be ſilent; ſince, had exemplary juſtice been his Majeſty's employment from his firſt landing, we

ſhould

ſhould have no reaſon to have ſaid, it was a bloodleſs revolution; nor they perhaps have been alive to complain.

2. For the reaſons aforeſaid, his Majeſty often ſaid, it was a moot-point in war, whether they had broken orders or no; and though I have the honour to know that his Majeſty exceedingly reſented the manner, yet it did not appear at all that they had laid themſelves open to military juſtice in it, or ſo much as given ground to call them to account before a council of war.

As to national, or civil juſtice, the memory of the King can never be reflected upon in that, unleſs ſome perſons had purſued them at law, obtained ſentence againſt them, and his Majeſty had protected them from the proſecution or execution of ſuch ſentences.

Thus far, I think, the King himſelf is intirely clear of this matter; who elſe may have been guilty, and how, either of breaking orders, going beyond them on niceties, and executing them with barbarities, I have no occaſion to enter upon here; I ſhall be far from defending ſuch things, and I am ſure his Majeſty was far from approving it.

But this is more compleatly anſwered, by putting the world in mind, that his Majeſty did refer the proſecution of that affair wholly to the Parliament, as more particularly appears by the Parliament's Addreſs of Thanks to his Majeſty for ſo doing.

And that in their proſecution they found no room for legal proceſs, except againſt the officer who executed the orders in a manner ſo barbarous, which officer fled from juſtice, and was proſcribed for not appearing.

So that here was no legal proceſs interrupted; but all was frankly remitted by his Majeſty to the ſevereſt methods of juſtice, which if it would not reach the perſons concerned, it is very hard the ſlander ſhould reach the King.

It might be ſaid here, you have no occaſion to defend the King's memory in this caſe, ſince the Parliament of Scotland cleared his Majeſty, by their unanimous vote of the 14th of June, viz. "That his Majeſty's inſtructions con-" tained no warrant for the execution of the Glenco men."

I ſhall only obſerve, that it is true the Parliament paſſed ſuch a vote, and it is as true the King reſented very ill their uſage of him, as he had great reaſon to do, frequently repeating, that he thanked the Parliament of Scotland, they had uſed him better than England had done his grandfather; for they had tried him for his life, and brought him in *Not Guilty*. I muſt confeſs, it was very unaccountable the Houſe ſhould paſs ſuch a vote upon their Sovereign, whom no man had had the impudence to own a reflection upon in the caſe, though they did it clandeſtinely; and it had much better have become them, to have ſearched after, and puniſhed thoſe that ſlandered the King on that account.

But

But the reproaching the King, and thoſe employed by him, and who under him gave orders in it, had its party uſes; what end it anſwered at that time is very well known, and would make a very good hiſtory, to the reproach of ſome pretenders to revolution principles; but I chooſe to bury theſe things in ſilence, neither are they any part of this deſign.

I have aſſigned this as a ſecond ground of national animoſity; not that it was acted by any of the Engliſh nation, but as the gentlemen who improved it, turned it all againſt the King, it was ſtill furniſhing matter of raillery againſt the Revolution and Succeſſion, which both turned upon one point, and was now ſupported and puſhed on in Scotland, by the intereſt and influence of the Engliſh Court.

I have digreſſed upon the ſubject on no other ground, than to clear up the reproaches which envy would fain fix on the King and his memory, which, I think, not at all accountable for it.

3. The next general head, on which our national diſcontents have been revived, and indeed which has been ſtrangely iſſued, has been the ſucceſſion of the crown.

This has a long chain of derivations to fetch it from, but I ſhall contract them into as ſmall a compaſs as I can.

The original of the whole debate is to be placed, if we will do juſtice, in his late Majeſty's ſincere and conſtant care for the peace and ſecurity of theſe kingdoms.

The King had ſeen the proſpects of an Union fly like a remote ſhadow, as it were out of ken, and finding reaſon to lay aſide the thoughts of that bleſſed conjunction, he found the next ſtep needful was, to preſerve the public peace, and hand down our liberties to poſterity, under the ſame ſecurity he had ſo happily fixed them in; in order to this, his Majeſty began to ſet himſelf ſeriouſly to work to ſettle the ſucceſſion of the crown in the Proteſtant line.

Before I enter into this large field, I muſt take one opportunity more to exalt the memory of the King, and put theſe nations in mind of the care that Prince took, abſtracted from his own intereſt, to ſettle both the liberties and religion of this iſland, in ſpite of all the ill treatment he met with here.

Upon the Revolution, a great deal of clamour and reproach had been levelled at the King, as if he purſued his own intereſt in the taking the crown of England; though I muſt acknowledge I am at a loſs to find out what he gained by it, though I have had opportunities to know ſomething of his Majeſty's affairs; but ſure, nobody could charge his Majeſty with having an eye to his intereſt, in what ſhould happen after his death; he could have nothing to propoſe to himſelf beyond the grave;—it could be of no moment to him, who ſhould enjoy

the crown after him, ſince he had no children of his own, nor could he expect the ſucceſſion ſhould come to any branch of his family.

Covetouſneſs and ambition may guide Princes in their purſuit of honours and poſſeſſions, to themſelves and their families; but when a Prince has no family, no relations that can enjoy after him, it cannot be rational to talk of ambition or intereſt in that caſe.

His Majeſty's memory is therefore untainted, and even the enemies of his fame are defeated here; for the very pretence fails them. His anxiety for the ſettlement of the ſucceſſion could ſavour of nothing but a mere concern and reſpect for the intereſt, ſafety, and liberty of the country; and let any man give any other rational account of it, if he can: but this is by the way.

In purſuit of this original deſign, his Majeſty laid the ground-plot of the ſucceſſion to the Houſe of Hanover, went himſelf to Hanover, and thence to Zell, to concert the meaſures of it on that ſide, maſtered ſome difficulties there too, and then propoſed it to the Engliſh Parliament.

How it paſſed in the Engliſh nation; what oppoſition was made to it there, and by whom; what ſubſequent laws were made to ſtrengthen and ſupport it, is not much to the preſent purpoſe to examine; hiſtories are full of the particular circumſtances, and nobody that knows any thing of what paſſed in thoſe times can be ignorant of it.

It remained only to make the ſame proviſion for Scotland; and the King began to turn his eyes thither, when he was taken off by death; and Queen Anne ſucceeded, not to his crown only, but to the ſame care and concern for the public peace, and for the ſettlement of the nations, by ſecuring the ſucceſſion of the crown.

But to look into Scotland a little: The Scots received the propoſal of the ſucceſſion with more coldneſs and diffidence than was expected; and the heats occaſioned by the debates on both ſides were extraordinary. The oppoſition made to the continuation of their united ſtate in a ſucceſſor had a ſpecious and moſt unanſwerable pretence to be made for it, though it was made uſe of by two ſorts of people, with a quite different proſpect.

The Scots had been very ſenſible of the viſible decay of trade, wealth, and inhabitants in their country, even from the firſt giving away their Kings to the Engliſh ſucceſſion; and, as the ſinking condition of their nation was plainly owing to the loſs of their court, concourſe of people, the diſadvantages of trade, and the influence the Engliſh had over their Kings; ſo, it was as plain, there was no way to recover themſelves, but either better terms of Union and Alliance, or a returning back to their ſeparate ſelf-exiſting ſtate.

The moſt conſidering and diſintereſted people reflected back upon their eaſy complying

complying with the Engliſh, and joining with the Revolution, without any conditions made for themſelves with England, as a nation; and plainly ſaid, If they had demanded better terms, they might have had them; ſince their joining at that time, was a thing of ſuch conſequence, and upon which ſo much did depend, that England could not have denied them; and what they had to aſk was ſo reaſonable, that nothing in reaſon could have been objected.

The people who were of this opinion, being ſome of them, at the ſame time, as far from embarking in the wrong intereſt, moved ſtrenuouſly for a treaty with England, to aſcertain the conditions, chiefly reſpecting commerce, on which they were willing to ſettle the crown; but were unanimouſly for refuſing to ſettle it at all, but with ſuch a treaty.

As theſe gentlemen inſiſted upon a treaty with England, in caſe they ſettled the ſucceſſion with them, ſo they conſidered in the next place of limitations, both in caſe of failing of ſuch treaty, or in caſe of its being concluded, in order to preſerve the liberties of the people, and to aſſert the right and power of Parliaments; and one of theſe limitations was, that in caſe the treaty did not ſucceed, then, in the ſettling the crown, it was provided, the ſucceſſor ſhould not be King or Queen of England.

And yet I confeſs it ſeems plain to me, the deſign of theſe people was not againſt having the ſucceſſion ſettled even in conjunction with England, as it now is; and their general behaviour ſince, confirms this opinion, beſides the general character of the men themſelves; but their deſign appeared plainly to bring England over to ſuch terms in matters of commerce, as really it appeared Scotland wanted, and as England ought to grant.

'Tis true, a party joined in this, that were againſt any conjunction at all, that were againſt any ſucceſſion but that of King James, and whoſe real deſign was againſt the general correſpondence of the nations, and both ſides had people among them who made uſe of theſe things, further and further to divide the nation.

Nor did they fail of ſucceſs, for this was taken very heinouſly in England, eſpecially by the ignorant kind of people, and they began in England to treat the Scots very coarſely; the writers of the age began to diſcuſs the ſeparate ſovereignties, and exalt the titles of either ſide.

In England, one Doctor Drake writes a preface to an abridgment of the Scots hiſtory, wherein ſpeaking ſomething reflecting upon the freedom and independency of Scotland, the Scots Parliament cauſed it to be burnt by the hangman at Edinburgh. Another Engliſh author writes of the abſolute dominion of the Engliſh Crown over the Crown of Scotland, but he received the juſt puniſhment of being little regarded; another writes of the eaſineſs of reducing

Scotland by arms.—Againſt theſe Mr. Anderſon, Hodges, and others, write of the antiquity, freedom, and independency of Scotland, aſſerting it in the face of the world, for which books the Parliament rewarded them publicly.

Thus, on both ſides, the caſe ſtood between the nations; a pen and ink war made a daily noiſe in either kingdom, and this ſerved to exaſperate the people in ſuch a manner, one againſt another, that never have two nations run upon one another in ſuch a manner, and come off without blows.

The heats on both ſides being thus ſtrangely blown up, and the people of either kingdom beginning to run into exceſſes,—juſt in this juncture, as if the nature and neceſſity of the thing had driven both nations to it, the Queen propoſes to the reſpective Parliaments a treaty of Union to be begun between the two kingdoms; this was in the year 1702; the well-wiſhers to the nations peace earneſtly longed for this Union on both ſides; but I cannot ſay that they had equal expectations of it, as times then went.

It was the firſt year of Her Majeſty's reign, and the adminiſtration of things being then in hands in both kingdoms, which her Majeſty afterward thought fit to change, there is not ſo much wonder why this treaty came to nothing.

There had been obſtructions to the deſign in Scotland, where things were yet carried with more jealouſy of the Engliſh Court than afterwards they ſaw reaſon to do; this occaſioned a proteſt from one ſort of gentlemen againſt the Queen's naming the Commiſſioners to treat;—but even the very gentlemen who proteſted, thought fit afterwards to come in to the Union, as it was propoſed, and had no ſmall influence in the ſucceſs of it.

The ſucceſs of the Union, no doubt, depended upon the choice of the perſons appointed to treat, and this depended very much on the repreſentation of the Miniſtry in either nation to the Queen. As to the Miniſtry in Scotland I ſhall ſay nothing, the gentlemen nominated there might perhaps have come into meaſures for a treaty well enough, moſt of the former treaters being the ſame as afterwards finiſhed it;—but the deſign of the Miniſtry in England ſeemed to act upon meaſures not ſo conſiſtent with the true intent and meaning of the treaty as could have been wiſhed.

Again, the jealouſies on both ſides about church affairs, in reſpect to the Union, were the ground of ſuch difficulties as nobody could ſurmount, and lay as a ſecret mine, with which that party who deſigned to keep the nation divided, were ſure to blow it up at laſt, and therefore knew that all they did till that point was diſcuſſed ſignified nothing; and that whenever they pleaſed to put an end to it, they had an immediate opportunity.

Without therefore entering upon ſuch juſt reflections as I might very well be allowed to make upon the ſeveral perſons and parts acting and acted in that,

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I had almoſt ſaid ſham treaty, I may place the whole miſcarriages of it very juſtly upon this one particular; viz. that the affairs of religion were left to the abſolute determination and appointment of the treaters, and this might have inſtructed any body that this treaty would come to nothing, ſince it was morally impracticable that the nice article of religion, as it particularly then ſtood between the two churches, could have been ſettled to the mutual ſatisfaction of both kingdoms by a Commiſſion, in which there was not one perſon deputed or named by the church, or inſtructed by them to enter upon the ſeveral articles of a treaty on either hand.

I know it has been ſaid, and perhaps there may have been ſome truth in it, that the article of religion was to have laid paſſive and dormant, and neither ſide was to have concerned themſelves about it, by which ſome would have had it underſtood, that either ſide was to remain in the condition they were then in,—and that this was the meaning of the words of a certain perſon, who when he was aſked, what care was taken of the church in that treaty, replied, "for God's ſake, let "us have no more of that jargon."

I confeſs, it is a charitable conſtruction of the words, to ſay, the author only meant that things ſhould be left to ſtand as they were, and the treaters ſhould have no other concern about it;—but I preſume thoſe people hardly conſidered that then the eſtabliſhment of either church had been left intirely to the future diſpoſition of a Britiſh Parliament, who, whenever they were governed by a majority on this or that ſide, might have overwhelmed intirely the Scots ſettlement, and erected epiſcopacy upon them, or *vice verſa* with the church of England: And I preſume neither church would have thought themſelves ſafe upon ſuch a foundation; I am ſure, they would not have had reaſon to have thought ſo.

Such a precarious Union muſt needs have begot future convulſions in both kingdoms; and if we may judge by what has happened ſince, the treaters would have met with but very ordinary reception in Scotland when they came home; and the abandoning the church to the mercy of the Parliament, which was in effect, giving her up to the church of England, would certainly have inflamed the whole country.

It is therefore the much kinder reflection to ſay theſe gentlemen never deſigned any Union at all, ſince to ſuppoſe the other, would be to ſuggeſt that they deſigned to give up their native country to a bondage in matters religious, which they knew was intolerable to their country, and to lead them by the hand to an inevitable breach between the nations.

For this reaſon I ſay, that treaty was never ſincerely deſigned; if it was, it muſt reflect either upon the underſtandings, or upon the integrity of the perſons concerned.

However,

However, as I am here upon matters of hiſtory, and collecting together all that has been done with relation to uniting the kingdoms, as well what was abortive, as what came to perfection; I think this work cannot be complete without giving you the minutes of this treaty alſo, as far as it proceeded;—but becauſe I would not interrupt the thread of hiſtory, I have adjourned it to the Appendix, where you have it at large, as I received it from the hand of a perſon of honour and undoubted integrity, who was one of the Commiſſioners to that treaty, and wrote it down with his own hand. The minutes are marked in the Appendix No. 14.

Upon the breaking up of this treaty, three things happened to the further widening the unhappy breaches between the nations, which however they diſcovered the furious temper of a party of men in both kingdoms, ready and forward to inflame us, and involve both nations in blood, yet their evil deſign had this happy iſſue, that it brought the nations to the criſis which inevitably brought on the great treaty; it put us all into ſuch a condition, that nothing but a treaty for a nearer Union, or a bloody and irreconcilable rupture, could be the conſequence.—And this I take to be a moving argument, which in the judgment of the Miniſtry made the treaty of Union abſolutely neceſſary, and thus the greateſt good came out of the greateſt deſigned evil.

The firſt of theſe was the affair of Captain Green and the ſhip Worceſter. An Engliſh ſhip called the Worceſter, of London, Captain Thomas Green Commander, homeward-bound from the Eaſt-Indies, put into Scotland, whether by contrary winds, or for convoy, or on what other occaſion is not to the purpoſe.

The African Company there having a ſhip formerly ſeized by the Eaſt-India Company in London, as ſhe was fitting out in the river of Thames, and for which they had in vain ſolicited reſtitution, they obtain of the Government a power to ſeize and ſtop this ſhip by way of repriſal.

Accordingly, the ſhip was ſeized on, and brought into Brunt iſland, and ſome time paſſed while the ſhip lay under ſuch circumſtances.

During this time ſome of the ſhips crew, whether in their drink, or otherwiſe, let fall ſome words, implying that they had been pirating, and particularly ſome very ſuſpicious diſcourſes, intimating that there had been blood in the caſe.

This prompted further enquiries, and at laſt a plain and particular information was procured, that this Captain Green, with this ſhip Worceſter, had met with a Scots ſhip commanded by one Drummond in the Eaſt-Indies, had made a prize of the ſhip, and murdered Drummond and all his crew.

Theſe ſuſpicious and dark ſpeeches were ſo taken hold of, and traced, that

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at laſt it came upon the ſtage, and brought Green and his ſhips crew into the courſe of public juſtice; and after a very long trial, they were found guilty of piracy, robbery and murder; and particularly the Captain and five more were condemned to die for it, and the Captain with two more were accordingly executed.

It is not the work of this book to relate that ſtory at its full length, but I cannot paſs it here without a ſhort abridgment of the proceedings; becauſe as Scotland lies under much ſcandal on this account, which, as to the methods of public juſtice, I think ſhe does not deſerve; ſo the clearing up that point, and the relation it has to the preſent ſubject I am upon, I think will come out hand in hand; and for that reaſon I engage in it.

Some of Green's men, either in their anger, or their cups, or both, having let fall words that rendered him very much ſuſpected of having been guilty of great villanies, they were further watched in their diſcourſe by ſome that had taken hold of their words, particularly two negroes, one Haines, and another, who, it ſeems, being diſguſted at the Captain, frequently let fall ſuch expreſſions as gave the hearers reaſon to ſuſpect there had been great villanies among them. Theſe ſpeeches are all to be ſeen in the depoſitions of the witneſſes, (too long to repeat here) and particularly in the printed trial, to which I refer.

I ſhall not take upon me here either to condemn or acquit either ſide; I know the world is divided on the ſubject; ſome will have Green and his crew to be guilty of all that is charged on them; others ſay, the company carried all againſt them, that they might have a good pretence for confiſcating the ſhip. But be that as it will, it is moſt certain the folly and imprudence of the men hanged them, to ſay no more.

From a little to more, from dark expreſſions they fell to downright quarrelling, and calling one another names, which there ſeems to be good reaſon to believe, might in part be true on both ſides, for ſome of them, however innocent of this matter, had been, it ſeems, guilty of wickedneſſes of other ſorts, black enough.

This folly of theirs came at laſt to ſuch a height, that it could be no longer concealed, for it became the public diſcourſe, that they had been guilty not of murder and piracy only, but of uncommon barbarities; and not that only, but that it was particularly on a Scots ſhip, and Scots men, viz. Captain Drummond, as aforeſaid.

At length it was brought to the ears of the Government, and as the public juſtice of all nations is obliged to take cognizance of ſuch horrid things as were here ſuggeſted, the fellows were examined, and they frankly confeſſing, Green and five of his men were taken up. The poſitive evidence were only two negroes,

groes, but others ſo corroborated what they ſaid, and circumſtances concurring, to make almoſt every body believe the fact, at leaſt in that hurry, they were, upon a long hearing, ſeverally found guilty of piracy and murder.

There are ſometimes ſuch criſis, ſuch junctures in matters, when all things ſhall concur to poſſeſs, not a man, but even a nation, with a belief of what, at another time, they would not believe, even upon the ſame evidence; and, in this man ſeems actuated by a kind of ſupernatural influence, as if inviſibly directed, to bring to paſs ſome particular thing pointed out by Providence to be done, for reaſons of his own, and known only to his inſcrutable wiſdom.

Juſt ſuch a caſe this ſeemed to be; the circumſtances of Green and his crew were very unhappy for them; their being put into Scotland, where they had no manner of buſineſs, no diſtreſs to force them in; their being ſeized by the Company, the men's falling out among themſelves, and being the open inſtruments of detecting, what no one ever could have charged them with; their ſtaying there when they might have gone, and had no more buſineſs there, from whence ſome alledge they had no power to depart; theſe, and more concurring circumſtances, which were obſerved by the moſt curious, and ſome of which were noted upon the trial, ſeemed to jump together ſo viſibly, that all people ſeemed to acknowledge a wonderful and inviſible hand in it, directing and pointing out the detecting ſome horrible crime, which vengeance ſuffered not to go unpuniſhed.

Nor was this the ſenſe of a few, but generally ſpeaking of the whole nation, I mean of conſidering people, and ſuch as uſually notice ſuch things, and particularly of many of thoſe who cried out loudeſt of the matter, when it was too late to apply any remedy; in which, I cannot but think, they acted unkindly to their country, and indeed very unjuſtly, ſince, when the conviction of ſuch circumſtances was on the minds of the people, it is no wonder the men were found guilty by the jury; and I perſuade myſelf, they themſelves would have done the ſame.

On their being found guilty, they were not immediately executed, but ſeveral applications were made to England for their reprieve; the Council of Scotland reprieved them for ſome days; and as ſome people began then to object, that the evidence was but too ſlight, and that there was but one witneſs to matter of fact, and that the one witneſs was but a negro, that he was not capable of the impreſſions of the ſolemnity of an oath, that there was malice in it, and the like; on theſe, and on other conſiderations, the Government was ſo tender of the blood of the men, that ſome have thought they had not died but for the rage of the common people, who, hearing that they were further to be reprieved, got together in an unuſual multitude, on the day appointed for their execution, crying out for juſtice.

And

And this part of the ſtory is the occaſion of my relating ſo much of it, ſince the tendency it had to inflame the nations one againſt another began here.

On the day appointed for execution, the Privy Council was ſet, and the Magiſtrates of Edinburgh were called to aſſiſt; where the point was debated, whether the condemned perſons ſhould be executed or no? I will not ſay the rabble influenced the Council in their determinations that way; but this is certain, that the diſcontent of the common people was very well known; and that they were furiouſly bent upon ſome violent methods was very much feared; that a vaſt concourſe of people was gathered at that inſtant in the Parliament Cloſe, at the Croſs, at the Priſon, and throughout the whole city; that they publicly threatened the Magiſtrates, and even the Council itſelf, in caſe they were not brought out that day; and ſome talked of pulling down the Tolbooth, which if they had attempted, they would have ſacrificed them in a way more like that of De Wit, than an execution of juſtice.

However, it was the Council determined the matter, that three of them, viz. The Captain, Thomas Green, John Mather, and James Simpſon, who were thought to be principals in the murder, ſhould be put to death that day.

When the Magiſtrates of Edinburgh came out, they aſſured the people that they were ordered to be executed, and that if they would have a little patience, they would ſee them brought out; and this pacified them for the preſent.

Soon after the Council breaking up, my Lord Chancellor came out, and driving down the ſtreet, in his coach, as he paſſed by the Croſs, ſomebody ſaid aloud, "The Magiſtrates had but cheated them, and that the Council had "reprieved the criminals:"—This running like wild fire, was ſpread in a moment among the people; immediately they ran in a fury down the ſtreet, after the Chancellor, ſtopped his coach juſt at the Trone-Church, broke the glaſſes, abuſed his ſervants, and forced him out of the coach; ſome friends that were concerned for the hazard he was in, got him into a houſe, ſo that he had no perſonal hurt. It was in vain for his Lordſhip to proteſt to them, that the men were ordered to be executed; they were then paſt hearing of any thing, the whole town was in an uproar, and not only the mob of the city, but even from all the adjacent country was come together. Nothing but the blood of the priſoners could appeaſe them; and had not the execution followed immediately, it cannot be expreſſed what miſchief might have happened.

At laſt the priſoners were brought out, and led through the ſtreets down to Leith, the place of execution being by the laws appointed there for crimes committed upon the ſea.—The fury and rage of the people was ſuch, that it is not to be expreſſed; and hardly did they ſuffer them to paſs, or keep their hands off them as they went, but threw a thouſand inſults, taunts, and revilings.—

They were at laſt brought to the gibbet, erected at the ſea-mark, and there hanged.

Nor can I forget to note, that no ſooner was the ſacrifice made, and the men dead, but even the ſame rabble, ſo fickle is the multitude, exclaimed at their own madneſs, and openly regretted what they had done, and were ready to tear one another to pieces for the exceſs.

This was not acted there with more fury, than it was with the utmoſt indignation reſented in England;—ſtill I am to be underſtood of the common people; for the Government of neither ſide had any reſentment or diſpute, all things having been carried on by legal methods, proceſs, and trial, according to the form of law, and uſage of the country.

But here was new matter for the enemies of both nations to work upon, and too much fewel was thrown into the fire of national contention on both ſides.

In Scotland, it was ſaid, the Court of England would protect them, and they would be pardoned, only becauſe they were Scotſmen that were murdered; and the like.

In England, it was ſaid, the rabble had cried out to hang them, becauſe they were Engliſhmen; that they had ſaid, they wiſhed they could hang the whole nation ſo, and that they inſulted them, as they went to execution, with the name of Engliſh dogs, &c.

Never was ſuch an unfortunate circumſtance to exaſperate the common people on both ſides, and to fill them with irreconcileable averſions that might prepare them for blood; and if in England it had gone a little higher, it would not have been ſafe for a Scotſman to have walked the ſtreets.

Certain it is, that though the men had been innocent, for that was now alledged, yet, as they were condemned by a due courſe of law, tried, and executed by the common form of juſtice in that country, and in the ſame manner by which their own ſubjects were tried and executed; the fault muſt lie in the witneſſes, and the jury that believed them; but there could be no pretence to make it a national quarrel at all.

That in England it had been but too frequent to try and condemn innocent men; and that, if evidences ſwore the fact, it might be the misfortune of any innocent man to fall under ſuch a diſaſter. The crime lay in the villany and perjury of witneſſes; but the nation could not be quarrelled on that account.

But ſtill theſe things left a corroded maſs of ill blood in the minds of the people on either ſide; and, as improved by the malicious fomenters of our diviſions, they were very unhappy at that time.

To exaſperate the people yet more, it was reported, that Captain Drummond was yet living, that neither he, nor any of his men, was ever touched by

by Green or his crew, and ſome ſeamen who landed in England, made affidavit directly contrary to the evidence that hanged them.

I ſhall no farther enter into the merits of the caſe, than ſerves to the matter of national heats: The thing was generally thought to be a haſty execution, but the argument, that it ought to be no ground of a national quarrel prevailed in England, and the reſt of the priſoners in Scotland were reprieved from time to time, and at laſt let go.

In both theſe caſes, the miſchiefs of tumult and rabbles is to be obſerved, and how eaſy it is to ſet nations on a flame, by the violent fomenting the paſſions and humours of the people, and how much thoſe ſort of men are to be deteſted, who blow the coals of ſtrife and diſſention in a nation, prompt the fury of an enraged multitude to fly in one anothers faces, and inſult the laws and Governments of both countries at once.

The end of this account is to make out what I at firſt noted, concerning the cauſes which wrought theſe two nations up to ſuch a neceſſity of an Union, that either it muſt have been an Union or a war; the animoſities on both ſides being raiſed to ſuch a pitch, that they could no longer have remained in the uſual medium of peace. Nor was this unhappy ſtory the leaſt cauſe of the growing averſion between us, which was now come to a very great height.

The fourth head, to which I aſcribe the growing alienation between theſe two kingdoms, was the Act of Security in Scotland.

This act made a great noiſe in the world, and was magnified in England to ſuch a height, that it was looked upon, as in effect, a declaration of war, to commence at the Queen's demiſe; and however deſigned, was effectually made ſo, by what after happened.

The Marquis of Tweeddale was High Commiſſioner to this Parliament, a perſon of extraordinary temper, candor and modeſty.—The matter of the ſucceſſion had in the preceding Parliament been rejected, on this ſuppoſition, that it was not prudent for Scotland to join with England, except ſuch conditions of commerce and navigation were firſt obtained by treaty with England, as were juſt and honourable for Scotland; and abundance of honeſt gentlemen, who were far enough from ſo much as being ſuſpected of favouring the Jacobite intereſt, joined together in this demand; they were willing to come into the ſucceſſion, provided they had ſuch and ſuch conditions, as they thought were reaſonable to be inſiſted on in behalf of Scotland, among which the liberty and freedom of trade to the Engliſh plantations was one.

There were many very learned debates in the preceding Parliament upon that head; great and popular ſpeeches made on the ſubject; and the Act of Secu-

rity was offered, and voted, but could not then be paſſed, for things began to run high in the Parliament, which occaſioned a receſs.

This was taken in England in a moſt heinous manner; and nothing was now talked of there, but the Scots buying arms and ammunition, training and exerciſing their men, and mighty things were ſuggeſted in England, which the Scots might do, and ſometimes which they would do; the printed news-papers gave a moſt formidable journal of the Duke of Athole drawing out his Highlanders, encamping three days with ſeven thouſand men, how armed, how well officered, and the like; another paper told the world of ſixty-thouſand men in Scotland, armed and trained, and ready to take the field.

However abſurd theſe things were, and that wiſer men, who knew the ſtate of Scotland, ſaw there was nothing in it, but what every nation in the world would have done in the like caſe, that it was neither more nor leſs than arming their militia, and putting them into ſome order, which for ſeveral years paſt had been intirely neglected; yet I ſay, however abſurd the ſuggeſtions were, they were improved in England to all manner of extremes, and ſome moſt ridiculous exceſſes were run into, both public and private.

It is no doubt, but as Scotland was acknowledged to be independent, whatever the forward pens of our politicians would have pretended, yet I ſay, being acknowledged independent even by the Engliſh Parliament, it was a very material thing to have her concur in eſtabliſhing the ſucceſſion of the crown, on the ſame perſon as England had done.

Two things moved in this affair on the Engliſh ſide:

1. Some would not have it done at all, and therefore were for irritating the Engliſh againſt the Scots, that it might come to a rupture inſtead of a ſettlement; and this, by putting it upon Scotland to declare, without a previous treaty, which they knew would never be accepted.

2. Others would gladly have had the Scots come into the ſucceſſion, but were willing to have them do it without any conditions, thinking that Scotland ought ſtill be kept low, for fear of their principles, which lead them to be no friends to the Engliſh church eſtabliſhment.

Both theſe cried out, and exclaimed at this Act of Security, and repreſented it to the world, as if the Scots were going actually to ſeparate from England.

There was one clauſe in the Act of Security, which intirely excluded the ſucceſſor to the crown from governing both kingdoms together.

This the enemies of Scotland preſently repreſented in England, as a deſign to reſtore King James, and a great many honeſt people were brought in to believe that the Scots, even the Preſbyterians themſelves, were ſo alienated from England, and ſo obſtinately bent againſt joining with her on any account, that they would never again be under the ſame head, nay, that they would rather league themſelves with France, and reſtore King James, than come to

any terms with her. And this was, as it were, confirmed, when the Scots, ſubſequent to theſe things, paſſed an act for trading with France, though, as their circumſtances then ſtood, it was very neceſſary to them.

Nor was this run to any thing leſs in England, and they began to talk loudly there of forcing the Scots to the ſucceſſion; but this was by ſuch as either coveted a breach between the two nations upon any terms, or really did not underſtand what they ſaid. The latter appeared by their printing ſome pieces to prove the right of the Houſe of Hanover to the crown by ſucceſſion; a thing all people, that know any thing of the affairs of Europe, know it was not the foundation upon which the preſent eſtabliſhment pretends to be built,—— but on that much ſafer, and much more divine right of the Engliſh Conſtitution, and Scots alſo, I mean parliamentary limitation.

Things ran very high now in both nations; the meaſures taken in Scotland ſeemed to be very well grounded, and their aim well taken; for either England muſt comply with Scotland, as to ſuch treaties as were reaſonable, or elſe ſhe might have the ſatisfaction to ſee clearly, Scotland by this act was placed in an intire ſeparate ſtate from her;—who ſhe would join with; what prince ſhe would bring in; where ſhe would beſtow her crown, was not to the purpoſe. Two things ſhe had made plain:

1. That ſhe was reſolved to have it wholly in her own hands, to beſtow as ſhe thought fit.

2. That wherever the Engliſh crown was beſtowed, the Scots crown ſhould not, without conditions firſt obtained.

This effectually ſettled and declared the independency of Scotland, and put her into a poſture fit to be treated with, either by England, or by any other nation.

Nor did the apprehenſions which this gave the world of the Scots deſigning to reſtore King James do her any diſſervice; for though nothing is more certain than that the Jacobites, as they are called, conceived great hopes from theſe things, and flattered themſelves exceedingly, that the return of their King, as they called him, would be the effect of all theſe breaches; and therefore fell in heartily with all theſe things; and, as far as poſſible, carried on the averſion to a ſettlement with England: Yet it is as certain that the gentlemen, who mainly carried on this project, had no more eye that way, than to the Great Turk; but were ſincerely bent to the proſperity of their country, and the eſtabliſhment, both religious and civil, as fully appeared afterwards, by their heartily purſuing the treaty that followed.

The drift of the whole matter was, the bringing England to terms, bringing the Engliſh nation to a treaty; and though it is confeſt that the proſpect was remote and melancholy, England at the time being averſe to any ſuch thing; yet

yet as theſe gentlemen ſaw there was no other way to redeem Scotland from the diſcouragement ſhe then lay under, with reſpect to the abſence of her Court, the dependence of her gentry and nobility, the limitations and reſtrictions of trade, which, by the Act of Navigation, ſhe was fettered with, and ſeveral diſadvantages her preſent conjunction, which was made without any treaty, laid her under;—therefore they ſtood ſtrictly and reſolutely to their meaſures; and the more the Court in England puſhed at her joining in the ſettlement, and uſed all poſſible means to bring it to paſs; the more averſe they appeared, and the farther they went off from it.

Thus I ſay this Act of Security, being only attempted in the firſt Seſſion of Parliament, was perfected in the next; and every day further and further advances were made ſeemingly to an entire and laſting ſeparation of the kingdoms from one another.

There were other ſteps made to this on both ſides, as to matters of trade, as ſhall appear immediately.

England, who was all this while under a very unhappy conduct, and acted upon quite different foundations from what we have ſeen her happily brought over to ſince, took the worſt meaſures upon the Scots proceedings then, that ever a wiſe people could have taken; for the Engliſh Parliament ſitting ſoon after, viz. 1704, the Scots Act of Security came to be conſidered; and however influenced by a precipitant party, God only knows, they paſſed an act, in my opinion, the moſt impolitic, I had almoſt ſaid unjuſt, that ever paſſed that great aſſembly.

This was that act of Parliament, intitled, *An Act to prevent the miſchiefs ariſing to England from the Act of Security in Scotland.* In which they in a manner declared open war with Scotland, unleſs by the 24th of December, the next year, they ſhould ſettle the crown in the ſame perſon as now ſettled in England; for they appointed twenty-four men of war to be fitted out, to prevent the Scots trading with France; declared the Scots in England aliens, and ſeveral other articles, as in the act itſelf may more at large appear.

This was done in that famous Parliament called, *The Tacking Parliament*, and it was the leſs to be wondered at, becauſe, (which is the ſubject I am at preſent upon,) the heats between the nations, which were at this time improved by the parties on both ſides, were riſen to a very great height; all things tended to exaſperations and provocations; no man of temper ſeemed to ſhew himſelf on either hand; and thoſe who bore the leaſt regard to the general good of both kingdoms foreſaw nothing but an unavoidable war between us; and indeed had matters ſtood thus but a very little longer, it had been impoſſible to have avoided it, and that in a moſt unſeaſonable time for Europe, which was then engaged

engaged in the moſt furious and moſt critical juncture of the war with France, being the year before the battle at Blenheim.

Thus the party in Scotland, who had laid their ſcheme, in hopes that England would have come into meaſures for the general good, ſaw themſelves diſappointed; and though it is true that, had England then ſeen with the eyes of her national underſtanding, and had ſhe not been ridden by a party, who openly purſued the ruin of her very Conſtitution, I mean as eſtabliſhed on the Revolution principle; I ſay, had ſhe not been under that unhappy influence, ſhe had taken other meaſures; yet, as it was, nothing was to be expected.

However, the gentlemen in Scotland happily reſolved to wait for the iſſue of things, and firmly adhered to their new ſcheme. Scotland began to be talked up in the world a little; and theſe very enemies, who, as they thought, wounded her, by talking up the mighty formidable things this Act of Security might produce, really raiſed her reputation; nothing was more abſurd than their alarming England at the chimeras of their own heads; ſuch as Scotland buying 30,000 ſtand of arms in Holland; laying in 10,000 barrels of powder; arming 60,000 men, and the like. All which, in reality, was nothing at all but muſtering their trained bands, as they call them in England, and buying about 500 barrels of powder for the Caſtle of Edinburgh. In their alarming England, I ſay, at theſe mighty things, they really raiſed the reputation of Scotland in the world, and made her begin to make a different figure in the eyes of other nations; and, there is no doubt, had things gone on to a rupture, as wicked men on both ſides wiſhed, and good men began to fear, Scotland might have found ſome powerful princes willing to have accepted her crown, and to have in the mean time ſupported, ſupplied, and encouraged her to ſtand upon her own feet.

But I ſhall do the gentlemen who managed this affair this juſtice, that I believe they had it not at all in their deſign, to fly to the protection of any foreign power, no, not to any Proteſtant power in Europe, unleſs forced to it by the precipitant meaſures England was then in all probability going into; and, if they had done it then, I can not ſee how they could have been blamed.—But as to the preſent ſtate of things, the gentlemen who managed this part ſeemed to me always to aim at obliging England to give them good terms, and to put themſelves in ſuch a poſture in the world, as ſhould make England ſee it was worth their while to do ſo, as well as that they ought to do ſo. And this was ſo juſt a ſtep, and the aim ſo well taken, as by the conſequence appeared, that, I think, it is the greateſt panegyric that can be made on theſe gentlemen, to ſay, they brought to paſs by it all the great things which God, in his providence, has thought fit to do towards our peace and happineſs in this iſland.

If

If they did not deſign this, or had not this honeſt aim in view, they leſs deſerve the praiſe; but it is evident, Providence made their meaſures inſtrumental to bring it to paſs.

Thus ſtood the affairs of this iſland, at the end of the year 1705, when the averſions between the two kingdoms, by the ſeveral ſteps I have noticed, was come to a great height; the people ſeemed exaſperated againſt one another to the higheſt degree; the Governments ſeemed bent to act counter to one another in all their Councils; trade claſhed between them in all its circumſtances, and every Parliament run further and further into the moſt diſobliging things that could be: England laid a new impoſt upon Scots cloth; Scotland prohibited all the Engliſh woollen manufacture in general, and erected manufactories among themſelves, which, had they been prudently managed too, might have been very advantageous to them; but of that by the way. Scotland freely and openly exported their wool to France, Germany and Sweden, to the irreparable loſs of the Engliſh manufactures, having great quantities of Engliſh wool brought into Scotland over the borders, which it was impoſſible for England to prevent; ſo that the famous trade for wool to France, by Romney Marſh, commonly called Owling, was entirely dropped, and France not ſupplied only, but glutted with wool.

On the other hand, England was proceeding to prohibit the importation of Scots cattle, and to interrupt by force their trade with France; and had this laſt proceeded to practice, all the world could not have prevented a war between both nations.

But more prudent counſels prevailed, and God's providence unravelled all theſe ſchemes of deſtruction, which madmen had drawn for the ruin of their native country; and as many times things evil in their deſign, are overruled by an inviſible hand, and bring to paſs that very good, which they were prepared to deſtroy, even ſo it was here; for theſe confuſions were the very things that brought both the nations to their ſenſes, I mean, brought them both to better temper; the conſequences of a bloody war juſt breaking out in the bowels of their native country, in the ruin and certain deſolation of which they muſt neceſſarily have a great ſhare, opened the eyes of the moſt thinking people on both ſides, even of thoſe who in themſelves had no real inclination to the conjunction of the kingdoms, and thus the neceſſity of taking new meaſures began to appear both ways.

In England, the weight of the preſent war, which every day rather increaſed than decreaſed; in Scotland, their declining condition, and diſunited circumſtances; in England, the matter of ſecurity; in Scotland, the proſpect of advantage, all concurred to ſway the inclinations of wiſe men to heal theſe breaches.

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I have now ſhewn by what ſteps theſe two nations were brought to the very brink of mutual deſtruction, and the ſequel of the ſtory will tell any body who were the parties that prompted both nations to theſe unhappy extremes: I ſhall in the next place a little examine how all this tide of miſchief and folly turned, and how they began to come to themſelves in both kingdoms, and this will ſo naturally lead us to the hiſtory of the Union, that I cannot think of a more proper introduction.

The party in England who had the reins of the adminiſtration in their hands, had given other teſtimonies than this of their precipitant meaſures; and as they had made not this nation only uneaſy, but their own too, ſo, as things generally take new turns, when they come to extremes, the Engliſh nation began to be alarmed at the proceedings, as tending to the ſubverſion of all the fabric of Government erected by the Revolution.

The occaſion of all this is too long to relate here; and the hiſtory of the tacking the Occaſional Bill to the Money Bill in that Parliament in England, is too well known to need any recital. It is enough to ſay here, that puſhing at ſuch hot meaſures in England, as is uſual in all precipitations, like an axe ſtruck upon a hard ſtone, the blow rebounded, and the weapon flew out of the hand of the unſkilful workman; the project failed, the party overthrew themſelves, and never recovered.

The Queen, far from approving the extravagancies they were running things to, and awakened by the danger of her people's liberties, which were as dear to herſelf as to them, finding to what miſchiefs theſe warm gentlemen were leading her, and being by the goodneſs of her diſpoſition, as well as experience in the Engliſh affairs, particularly averſe to things hard or ſevere upon her people, much more ſo to all manner of illegal ſeverities, put a full ſtop to this career of miſchief. And though indeed they had brought things to the very edge of deſtruction, both in England on their own buſineſs, as well as in the affairs of the two kingdoms; yet the Queen immediately ſhifting hands, and applying with her uſual wiſdom to the eſtabliſhing the minds of her people, retrieved this whole affair, reſtored England to the tranquillity ſo much deſired, filled up her Miniſtry and all offices of truſt, with men of the ſame candour and moderation with herſelf, openly abandoned and diſcouraged the meaſures of thoſe people who had run things to ſuch exceſſes, and re-ſettled the minds of her people, diſtracted with apprehenſions of ruin and party-confuſion.

Thus the Miniſtry in England was intirely changed, the Lord Keeper, Sir Nathan Wright, depoſed; Sir Edward Seymour, Comptroller of the Houſehold, put out of her family; the Earl of Nottingham, Secretary of State, and ſeveral others, laid aſide; the props of the high-flying party, as they were called, were left out of the Council, and removed from their places in the Government.

In the ſeveral counties the people's approbation of her Majeſty's proceedings, and their joy at this change of inſtruments, was teſtified by the univerſal contempt put upon the affair of the tacking, and of the Occaſional Bill, as well as of all hot men and hot meaſures; and this teſtified by the change in their elections of Parliament men, a new Parliament being then to be choſen, in which ſo general an averſion to the Occaſional Bill, or any thing invading the toleration, and particularly to the affair of the tack, appeared, that in ſpight of all oppoſitions, a great number of the tacking members were thrown out, and ſuch a change of men appeared in the next Parliament, that whereas in the other Parliament, the high-party had a majority of ſixty-two, or thereabout, for every thing they joined in; on the firſt trial of the ſtrength of the Houſe, which was perhaps the greateſt that has been known of late years, it appeared the whig-party had the majority by above ſeventy voices; and theſe, by the turning out ſeveral on the trials of elections, and other circumſtances, roſe up to be above a hundred; though after they ſeemed to loſe ſome ground again, but it did not laſt.

Things being thus happily turned in England, and the firſt ſtep for the eſtabliſhing and ſettling this new party in their ſeats of management taken, it was wonderful to ſee the change it made in all the affairs of the nation, how every thing ſucceeded, unheard of victories abroad, unuſual cheerfulneſs at home, and a new face of proſperity ſeemed to gild the affairs of the nation; the feuds of parties died in every place; peace, union, and temper, began to be the companion of every ſociety; and the ancient animoſities between neighbour and neighbour, between friend and friend, which formerly crept, not into ſociety only, but even into our families, and our very beds, declined apace; the Queen encouraged peace and love, and unity among her people, and preſſed the nation to it upon all occaſions, and all good men began to encourage it by their examples.

In this general felicity of affairs in England, Scotland came into remembrance; her Majeſty, as having an equal regard to the good of all her ſubjects, and as being juſtly concerned, not for the change of the temper and condition of her people only, but for the continuance of it to them in ages to come, could not but be ſolicitous for the removing the obſtructions which lay in the way on either ſide.

When the wiſeſt heads in both nations had been conſulted with on this article, though opinions differed, yet no medium could ever be found ſo effectual to ſecure this peace, and remove all poſſibility of a fracture, like renewing the Treaty of Union.

And thus I am brought down to the general article of the treaty, by the mere thread of the ſtory; the feuds of parties, the folly of ſtateſmen, the fury of rabbles, and the general reviving of the old animoſities between the people, had been ſcrewed up to a dangerous height, as is noted already, by that very party who

who had on all occaſions ſhewn themſelves enemies to the preſent eſtabliſhment, and future peace even of both nations; and by this method they thought they had rendered the ſucceſſion to both crowns impracticable for the Houſe of Hanover, and ſecured an inevitable rupture between the nations whenever it ſhould pleaſe God to remove her Majeſty out of this world.

But great are the wonders of inſcrutable Providence; theſe very ſchemes, contrived in the deeps of infernal malice, brooded on by that party who ever envied the liberty of Proteſtants, and the tranquillity as well as privileges enjoyed by the people of this whole iſland, and hatched by the warm influence of a reigning party, by which they flattered themſelves, they had effectually overthrown the project of an Union of the kingdoms, made their coalition impoſſible, and all ſchemes projected for it impracticable; I ſay, theſe very things made way for that ſame Union, they were calculated to deſtroy.

The height thoſe meaſures I have been ſpeaking of was brought to, made, as it were, a force upon both nations to come to this treaty.

It was now but a few months to come, when the nations muſt directly fall out; Engliſh men of war muſt be fitted out to cruize upon the Scots, and we that conſented, or at leaſt did not ſcruple to have the Dutch carry on a free trade with France, muſt go and fight with our own brethren for it; whereas, had we been in our trading ſenſes, we would have done it ourſelves.

The criſis things were come to now, was ſuch, that they could no longer ſtand at a ſtay, but we muſt fall out with the Scots, or unite with them; all methods to bring them to ſettle the ſucceſſion without a treaty had been in vain uſed by the party before, who would gladly have tricked them into it, but the Scots were too wiſe to fall into that ſnare.

The preſent Miniſtry were for fairer dealings with them, at the ſame time wiſely concluding, that to gain of the Scots what they ought to grant, it was reaſonable to grant to the Scots what they ought to have; and that a treaty with them might be made effectual, the only way was to ſet about it upon an honeſt foot, and then purſue it ſincerely, and not upon ſharping and tricking on either ſide, as before.

But there yet ſeemed to lie one invincible obſtruction in the way of this treaty, and that was the act of Parliament paſſed in England the laſt Seſſion, which, as before noted, had declared a kind of war againſt the Scots, in caſe they did not come into the ſucceſſion by ſuch a day; and upon the firſt motion to a treaty, the Scots declared they could not enter into any treaty with England till that act was repealed.

This had indeed a great deal of reaſon in it, and ſuch as could not be withſtood, for the honour of the Scots ſeemed very much impaired in that act, and that they could not come to a treaty upon equal terms while ſuch a law ſtood

in force upon them, which ſeemed as if it had been a ſword over their heads drawn to awe them into a treaty.

The Queen, who was reſolved, if poſſible, to bring this great event to paſs, and who ſtrove to do it ſo, as might give all her ſubjects ſatisfaction, undertook to clear up this difficulty; and at the next Parliament which met in England, Octob. 23, 1705, in her ſpeech to both Houſes, recommended the taking away of this obſtruction, by repealing that act, in order to introduce a treaty of Union, which her Majeſty ſaw now more clearly in view than ever before.

I know there were ſtrong ſtruggles in England againſt repealing this act, and that chiefly without doors, the party foreſeeing, that if this ſtep was taken in Parliament, the Union which they really dreaded, would of courſe come upon the ſtage; to this end it was repreſented as diſhonourable to make ſuch an advance to the Scots: That it was an inſulting of England to have the Scots ſay, they would not treat with her till ſuch and ſuch conditions were performed;—that this was letting the Scots preſcribe preliminaries upon England, and if England complied, it would make them more encroaching.

But the temper in the Parliament was quite different from this; it was plain there that the Scots were in the right to aſk this as a preliminary; that the treaty would for ever be ſubject to this objection; that it was not free, but done under the terror or force of that act of Parliament; that, as it was not honourable for the Scots to have a treaty forced upon them under ſuch circumſtances; ſo neither was it honourable for England to force a treaty upon them; that the act was unreaſonable in its own nature; that England could have no pretence but mere violence to intermeddle with the Scots commerce, who were a free nation, and ought to be at liberty to trade with any nation that they thought fit to trade with; that their trade with France was done by their own act of Parliament paſſed by the Queen, and was not inconſiſtent with, or contravening any treaty or contract with England; that Scotland was under no treaty of commerce, or under no obligation to trade, or not to trade as England did. That as to the confederacy, and the war in which they were embarked with England, that laid them under no obligation, ſince the Dutch were in the ſame confederacy, and yet openly proclaimed a free trade with France; nor did the Engliſh pretend to obſtruct them in it; that Scotland was as independent of the Engliſh Government as the Dutch, and ought to be at liberty to trade unmoleſted as well as they.

Theſe arguments, backed with an Adminiſtration of government now quite recovered from the tyrannical principles of thoſe formerly in power, ſoon influenced the Parliament to repeal the act, and take this ſtep by way of advance to the Scots, by which they let the Scots ſee they were in the hands of their friends, that now they might expect fair dealings, and had room to treat with freedom and honour.

This was a great mortification to thoſe gentlemen who had promoted that act, who now, together with their whole party, ſet themſelves with all their artifice to oppoſe the treaty in all its parts in both kingdoms; to raiſe ſcruples, imprint jealouſies, miſrepreſent perſons and things, embroil councils, raiſe ſcandals; and, in ſhort, to do every manner of thing they could to embarraſs and obſtruct the treaty; and in the firſt place to prejudice the minds of the common people againſt the Union as ſuch. What fatal ſucceſs they had; how they carried it on, even beyond the concluſion of the treaty; with what difficulties it was encountered; how begun, how carried on, how finiſhed, and how ſince aſſaulted, and with difficulty enough preſerved, will be the ſubject of the enſuing ſheets.

OF

OF THE LAST TREATY, PROPERLY CALLED THE UNION.

OF THE TREATY IN LONDON.

I AM now come to the great and capital treaty, which has at laſt, by the bleſſing of God, been brought to a happy concluſion.

I am not inſenſible that, in the ſtrange variety of circumſtances, changes of proſpects, the turns of management, the accidents and niceties, with which it has been carried on, the infinite difficulties the zealous promoters of it met with, the reſtleſs attacks of a ſtrong party to diſappoint it, who never gave over their ſtruggle; no, not even after it was done: In this labyrinth of untrod paths, I may eaſily miſplace ſome things, and omit others; and I cannot but introduce my account of it with this caution, that, though I believe no man can have collected with more care, nor has had the opportunity to remark things with more advantage, having been eye witneſs to much of the general tranſaction, and furniſhed, by the beſt hands, with every moſt ſecret affair in the carrying it on; yet many minute things may have paſſed my pen, which it is impoſſible for me to atone for, but by making this proviſo, that the reader may be aſſured nothing material can have ſlipped me; and I have uſed all neceſſary caution to furniſh myſelf with the whole truth of fact, whatever omiſſion of circumſtances I may make an apology for.

I have already related the iſſue of the treaty begun the firſt year of the Queen, and made my obſervations of the reaſon of its miſcarriage. It may be obſerved that, her Majeſty underſtanding the true reaſons of the diſappointment, which it was thought lay in the perſons treating, particularly on the Engliſh ſide, whoſe diſpoſition to finiſh it for the public good, it was ſuppoſed, did not appear at all to her ſatisfaction, in which I have farther already explained myſelf, obtained a

a new

a new act of Parliament in England, and the like in Scotland, impowering the Queen to appoint Commiſſioners on either hand, to treat of an Union between the two nations.

And here it is neceſſary to obſerve, how well the ground-plot of this work was laid, that all obſtacles might be removed, which might threaten it with another abortion. It had been noted, that the moſt dangerous rock of difference, on which this Union could ſplit, and which could now render it ineffectual, was that of religion: Here it was certain they could never unite, and the breach therefore being irreconcileable, the beſt courſe that could be taken with it, was to let it quite alone, as a thing neither ſide ſhould meddle with at all, and conſequently the jealouſies and ſuſpicions on both ſides muſt vaniſh, and the great obſtructions which the enemies of the treaty relied on for its miſcarriage were at once removed.

This was a maſter-piece of policy, and ſhewed that her Majeſty had other perſons to conſult with, and had taken other meaſures than before; and gave people very early impreſſions of the ſucceſs which has ſince appeared.

But there was yet ſome political difficulty to paſs; and here, being to tread truth almoſt on the heels, thoſe readers that are willing to have it told plaineſt muſt excuſe me for naming people's names. I have avoided, on all occaſions, the mixing ſatire and reflexion in this relation, as much as poſſible.

The political difficulties I ſpeak of here, and which I think gave the greateſt ſhock to this affair, conſiſt of two parts,

1. Succeſſion. 2. Nobility.

The vehemence with which the ſeveral parties, who managed theſe topics, acted their reſpective and exceedingly remote proſpects; and by what ſtrange myſtery concurring Providence, like the wheel within all their wheels, centered them all, in uniting the nations, as it is a ſecret hiſtory few underſtood, and may be as neceſſary as diverting; ſo the heads of it may be viewed in the following ſcheme.

1. The Succeſſion being the main thing that lay at the bottom of every one's project, I ſhall firſt ſpeak to the particulars of that.

There was a party in both kingdoms, but moſt powerful in Scotland, whoſe deſign was principally and directly againſt the Proteſtant ſucceſſion, as ſuch; theſe we muſt allow to be ſetting every wheel at work, and acting with all their power and policy againſt every thing which looked that way.

When they ſaw it convenient, they acted againſt an Union in its general term, and frequently ſome of the leſs politic of that party let fall the excreſcence of their principles, in direct terms, and pamphlets were wrote upon that ſcheme; ſuch as one ſhewing the neceſſities of a war with England, &c. another ſhewing the advantages of an Union with other nations, and France in particular; others argued continually the mighty terms, and the advantages of commerce,

Scotland

Scotland might obtain from France; and not only propoſed them as equivalent to the trade with England, but run on to ſuch weak extremes, as to ſay, that Scotland made no advantage of her commerce with England.

But theſe may well be ſaid to be the leſs politic part of theſe gentlemen, who were in the deſign above; for they loſt ground, even againſt the Union itſelf, by it; and when the Committee of Parliament, appointed to examine the exports and imports, reported, That Scotland exported to England above 200,000 pounds ſterling per annum, in linen, cattle, &c. the imports from thence appeared ſo ſmall, that the objectors dropped their arguments upon that head; and learned to talk with more caution.

But the more ſubtile managers of this deſign againſt the ſucceſſion, went on by different meaſures, and with great policy they acted every party, as far as they thought they could be brought in to be ſubſervient to their deſign.

Thus firſt ſeeming to quit their direct oppoſition to the ſucceſſion, as a thing too open, and too much claſhing with the temper of the time, they fall in with that party, who were for the ſucceſſion with limitations; not that they would have concurred with the event, had theſe limitations been never ſo great, but that, in their debating the limitations, they might find room to clog the ſucceſſion itſelf, in ſuch manner as the other party could by no means accept of it.

From the ſame principle proceeded that famous reſolve in their Act of Security, by which the ſucceſſion met with two invincible obſtacles, from whence they knew, ſome time or other, new diſputes muſt ariſe, 1. That no ſucceſſor at all ſhould be named, till after the Queen. 2. That when it was named, it ſhould be with this limitation, that it ſhould not be the ſame that ſhould ſucceed to the kingdom of England.

This was a maſter-piece of policy, and had the moſt ſpecious pretence in the world, viz. The hardſhips which Scotland had ſuffered under the influence of England in matters of commerce and ſovereignty; and therefore it was added immediately upon the ſaid clauſe, "Unleſs that in this preſent Seſſion of Par-"liament, or any other ſeſſion of this, or any enſuing Parliament, there be ſuch "conditions of government ſettled and enacted, as may ſecure the honour "and ſovereignty of this crown and kingdom; the freedom, frequency and "power of Parliament; the religion, liberty and trade of the nation from Eng-"liſh, or any foreign influence." See the Act of Security printed in the Appendix to this work, No. 1.

The running things to this height in Scotland, put every party's meaſures to a full ſtop; the gentlemen who were againſt the ſucceſſion in general, and of whom I am now treating, had moſt effectually carried their point; for as they preſumed England could never come in to ſuch a treaty as they demanded, ſo they had effectually forecloſed the ſucceſſion of Hanover, by determining, that the ſucceſſor of England and Scotland ſhould not be the ſame.

And

And it is remarkable to note here, how univerſally all thoſe gentlemen, whoſe aim was againſt the ſucceſſion, fell in with thoſe whoſe deſign was only to have advantageous terms from England for it.

But this very point gained, brought about the main work; and the contraries that concurred in this act, though from claſhing intereſts, by the ſtrange circulation of cauſes, worked all together into another extreme, which none of them deſigned, and that was the Union.

Upon the paſſing the Act of Security, England grew very uneaſy; and not to mention the common apprehenſions of the people, nor how, and by whom they were encreaſed and fomented, the act of Parliament paſſed, intituled, "An Act "to prevent the dangers ariſing from the Act of Security in Scotland, &c." is a demonſtration of what the tendency of theſe things would be; for this act, which I have alſo, for the better underſtanding of the ſtory, abridged and printed in the Appendix, No. 2. brought both nations under the neceſſity of a war by the Chriſtmas following; the Engliſh being then obliged to fit out a fleet, to interrupt the Scots commerce, if their Act of Security was not repealed.

Things being brought to this extremity, the only remedy that thoſe who wiſhed well to both nations could contrive, was to revive a treaty of Union, and ſet heartily about it,—and the firſt ſtep the Queen took towards it, was to propoſe it to the Scots Parliament, who voted,—that they could enter into no treaty of Union, till that act of Parliament mentioned above was repealed in England.

Though this was a very bold reſolve, yet the Queen, who ſaw ſome reaſonableneſs in it, managed things with ſo much wiſdom and moderation; and the Parliament, who ſaw with differing eyes from the other, and was of a quite differing temper, found ſomething ſo ſevere and ſo hard upon Scotland in that act of Parliament, that they made no difficulty to make that ſtep in advance to Scotland.

Upon this foot turned the firſt appearance of the Union; now let us ſee how the parties managed themſelves on all ſides.

The inclination on both ſides to an Union, however afterwards managed, ſeemed ſo univerſal, that the party I am ſpeaking of, thought it was not proper to appear againſt it directly; but acting ſtill under diſguiſe, they puzzled the cauſe, firſt, with the wild debate of a federal Union, or an Union partial and imperfect; and thus they fell in with the party who were for the Union, not that they had the Union in their deſign, but becauſe they thought the thing impracticable in itſelf; that it would make the people ſceptic in Government; and that ſo it would certainly miſcarry, and the ſucceſſion would be loſt that way.

Accordingly the limitations were by ſecret influence oppoſed, and the ſcheme

of ſucceſſion laid aſide to go upon the chimera of an Union, as they thought it to be; and I could be very merry with ſome gentlemen here, upon the banters and jeſts they always treated the ſcheme of an Union with, as a thing they little thought would ever be licked into any ſhape, or ever obtain upon the nations to paſs into a law.

Thus I have brought the remoteſt party, who were downright enemies of the Union, to fall into it; from whence, let their deſign be what it will, I muſt tell them, they did it this ſervice, that it made the Union very popular, however it came to be otherways afterward.

I come next to the difficulty about nobility, and this worked in to an Union, by, as it were, a natural conſequence; for the antient nobility finding their ſway with the people leſſened, and their power, as well as their honour, eclipſed by the crown daily creating numbers of what they called upſtart Lords, were eaſily engaged in limitations, to prevent their future Monarch's encreaſing the numbers of their rank, to the diminution, as they took it, of the antient families.

But when they came to conſider the ſcheme of diſtinction made for the repreſenting the nobility in a Britiſh Parliament, they were the more eaſily brought into the Union, as an effectual ſtep to prevent the reducing their honour, by multiplying their numbers, and as a thing which would ſeem to diſtinguiſh them from ſuch of the modern nobility, which they reckoned already a burthen to them.

Next, among the Whig intereſt, and who were really honeſt in their deſigns for the general good, were yet two parties.

One party, without reflection on any, had taken a juſt umbrage at the growing power of a certain great man; and as they had reaſon to ward off perſonal reſentments, in caſe their figure was diminiſhed; and having their true intereſt in view, together with the public good, eſteemed it their good fortune, to have them both ſtand upon one bottom; and theſe gentlemen came heartily and honeſtly into the meaſures of the Union.

Another party were for the ſucceſſion limited, &c. but not for the Union; theſe brought the former firſt to them, thinking they would rather be for the ſucceſſion, and lay by the thoughts of the Union; but finding them intirely for the Union, they fell in together.

The view of the Court in England was plain, viz. For the ſucceſſion at any rate; and therefore, till this juncture, they had eſpouſed that party in Scotland, who were for the ſucceſſion, though with limitations; and this the more eaſily brought thoſe gentlemen into the Union, ſince there they ſecured the ſucceſſion, and had the Engliſh limitations confirmed, which they knew and acknowledged were better than their own.

Thus the two Whig parties joined, and the Duke of Queenſberry, who had, in concert with her Majeſty and the Engliſh court, removed all the ſeeming

difficulties

difficulties on the part of Scotland, appearing publicly for it, the Union, as I have already noted, grew very popular; the Court and the Whig Lords concurred in the general good, the Jacobite intereſt was abandoned, and the Union grew up between all the extremes as a conſequence; and it was merely formed by the nature of things, rather than by the deſigns of the parties.

Things being brought to this paſs, the acts of Parliament paſſed, and the Queen impowered to name Commiſſioners; I ſhall purſue the proceedings in order as they lie before me, and make the needful obſervations as I go.

The reſpective acts of Parliament for this nomination, as abſolutely neceſſary to the better underſtanding of the caſe, and laying a regular ſcheme of the whole matter before the eye of the reader, I have annexed in the collection herewith marked.

They that had ſo wiſely contrived the beginning of this work, could not be at a loſs to find out proper perſons for the managing the treaty in both kingdoms; and therefore it was not long before her Majeſty named the Commiſſioners for both kingdoms, whoſe names we ſhall preſently come to.

I ſhall not deſcend to encomiums on the perſons of the treaters, for I am not about to write panegyrics here, but an impartial and unbiaſſed hiſtory of fact. But ſince the gentlemen have been ill treated, eſpecially in Scotland, upon this very head, charged with ſtrange things, and expoſed in print by ſome who had nothing but their averſion to the treaty to move them to maltreat them; I muſt be allowed on all occaſions to do them juſtice in the proceſs of this ſtory. And as I muſt own, that, generally ſpeaking, they were perſons of the greateſt probity, the beſt characters, and the ſteadieſt adherence to the true intereſt of their country, ſo their abilities will appear in every ſtep taken in ſo great a work; the bringing it to ſo ſhort a concluſion, and that in ſo little time; the reducing it to ſo conciſe a form, and ſo fixing it, that, when all the obſtruction imaginable was made to it afterwards in the Parliament of Scotland, the mountains of objection, which at firſt amuſed the world, proved ſuch mole-hills, were ſo eaſily removed, raiſed ſo much noiſe, and amounted to ſo little in ſubſtance, that after all was granted that in reaſon could be demanded, the amendments were ſo few, and of ſo little weight, that there was not one thing material enough to obtain a negative in the Engliſh Parliament.

I cannot but obſerve here, that even thoſe amendments were not made by reaſon of any omiſſion in the treaters; but the Parliament found the oppoſing party to the ſucceſſion had two handles to lay hold on in Scotland, and therefore in prudence gave way to ſuch amendments as they had the leaſt reaſon to juſtify. Theſe two heads, which I call handles againſt the ſucceſſion, were,

1. Strength of party, by which they hoped to carry it at once, and throw out the treaty *brevi manu*; and this they endeavoured to form upon a general

diſlike, they having blackened it with the mark of a thing diſhonourable to the ſovereignty and the independence of the nation.

2. If they found that would not do, then to load it with ſuch ridiculous amendments, as they knew would cauſe it to miſcarry in the Engliſh Parliament; which they alſo thought would give Scotland great advantage, and increaſe the animoſities in Scotland againſt the Engliſh, when the rupture ſhould appear to be from England, and the moſt reaſonable conceſſions of Scotland be rejected by them.

But both theſe projects failed them; the firſt was effectually anſwered by the nature of the thing, and their ſtrength failing them, they found they had caſt up their account falſe, their motion being thrown out by a great majority in voting the firſt article, as will appear preſently.

The ſecond, when they came to examine particulars, had not ſufficient ſtrength of reaſon to ſupport it; all the amendments they could pretend to were ſo ſmall, that, as above, the Parliament of England never thought it worth their while to diſpute them; and the treaters themſelves, for the moſt part, went into thoſe amendments as they were offered.

Indeed this was a diſappointment to ſome people, who made no queſtion, at leaſt, to puzzle the cauſe, and raiſe ſuch difficulties as ſhould require a remitting the treaty back to Scotland; and ſo ſpin it out in length, that the nations might have leiſure to form the ſeparate parties into ſome order, and raiſing their friends on both ſides, if poſſible, bring it to a breach. And that I do not paſs an unjuſt cenſure, I refer the reader, among infinite pamphlets publiſhed againſt this affair, to one very plain and bare-faced author mentioned before, intituled, "The Neceſſity of a War with England, in order to cure the "preſent Diſtempers of the Times."

I ſhould do the fomenters of the nation's diviſions too much credit to trouble the reader of this with any of their printed oratory againſt this Union, much leſs enter into any diſquiſitions upon the ſubject of their clamours; but I may, perhaps, touch upon the principal heads of their objections, and let the world know alſo who were ſome of the objectors.

When the acts were thus paſſed, and her Majeſty had named Commiſſioners on both ſides, and the work ſeemed to be going about in earneſt, the learned ſcribblers of the age began to harraſs the world with their ſchemes, and all the mountebank ſtateſmen of the times ſet to work to propoſe their wondrous methods for curing this antient diſtemper of the nations, and ſtriving to have it ſaid of themſelves, who was forwardeſt in the great work.

The induſtry they diſcovered, had in nothing a greater concurrence than in this, that the whole crowd of writers, with an univerſal agreement, had the honour to be intirely miſtaken; and not one of them had eyes to ſee to the true

intereſt

intereſt of the nations; every man, as in ſuch caſes is uſual, eyed the reſpective intereſts or advantages, as he thought, of the nation to which he belonged, and ſet himſelf to work to anſwer the objections of the other; defending, arguing, and fatiguing their own heads, and their readers, with the confuſed labyrinths of their own projects; but not once touching the true ſtring, which, with a national uniſon, would have immediately ſounded out the harmony of general peace.

Nor am I at all arrogant in ſaying, they were all ſo generally miſtaken in their notions of what this Union ſhould be, ſince, as I have ſaid, every one fell to arguing the ſingle and ſeparate advantages of the nation they belonged to; inſiſting on their politic notions and wiſe ſchemes for their reſpective advantages; but, not one, that I met with, ever entered into the true and only notion eſſential to the Union; I mean the principle of ſelf-denial; how far either nation was to condeſcend and advance to one another, how the preſent Union conſiſted, not in gaining advantages on either hand of one and other; but in abatements, in giving each other advantages, in yielding up privileges, opening the treaſures and ſtrength of either nation, to the good and benefit of the whole.

They never dreamed, that to unite, was, in itſelf, a full and a general retribution for every ſtep taken from one ſide to the other; that a new national intereſt was to be erected; and that giving or conceding rights, advantages and intereſts, whether in commerce or in privileges, was loſing nothing at all; but was like a man giving preſents to a lady, whom he deſigns to make his wife; which is but taking his money out of one pocket, and putting it into another; or like a man ſettling his eſtate in jointure on his wife, which is ſtill his own, and is effectually ſecured for his poſterity.

The gentlemen muſt pardon me if I tell them, that for want of this true and original notion of Union, they took but too much pains to inform us all, they had neither the ſpirit of Union in their minds, nor the knowledge of it in their heads; and this run them upon wild dilemmas, and dark ſchemes of federations and confederations; this ſent them to Belgia, Helvetia, Polonia, and I know not whither, for examples, for ſchemes, precedents, and I know not what ſtrange ſyſtems of national Unions; all which, I muſt take the liberty to ſay, were as wide from the only ſtep that could make theſe nations happy, as the eaſt is from the weſt, tended to nothing but confuſion of intereſts, national jealouſies, and in the end war and deſtruction.

Theſe gentlemen were for making bargains between the nations, not for bringing two great and mighty kingdoms into one vaſt united body, the ſame in intereſt, the ſame in proſpect, the ſame in every ſubſtantial conſtituting part. The advocates of either people talked like counſellors pleading for their clients,

not

not like two friends that were ſtriving who ſhould part with moſt, for the intereſt and engagement of the love of each other.

In ſhort, the Union has been brought to paſs, not by gaining from, but by yielding to one another; not by making conditions and advantages of one another, but by conceding to one another; one part opens the treaſures of their trade, the other ſtruggles to bear their ſhare of the weight and burden of expenſive and bloody wars; this part yields up one thing, that abates another, and mutual condeſcenſions, not mutual encroachments, have brought this work to paſs.

And here lies the great myſtery of the Union; they that think ſtrange of the circumlocutions the wiſeſt heads have taken, may find them here; they that enquire into the reaſons of former miſcarriages, may find them all here. If there was any want of temper; any mutual diſtruſts; any ſecret murmurs of parties; any jealouſies of conſequences; it was all to be found here: That the people who debated theſe points, never looked beyond the preſent ſtate; never conſidered the conjunct capacity of the nations; never drew the balance of intereſts, or ſtated the affairs of both nations into one account current.

Had they ever done this, they would have ſeen that monſter, as they called the Union; a moſt beautiful creature; admirable in its contexture; agreeable in its figure; ſquared like a moſt exquiſite piece of architecture, both for ornament, ſtrength and uſefulneſs: They would have ſeen it a compleat circle; all the lines of which were drawn from, and depended upon one general centre —the public good; a mighty arch, every ſtone of which mutually contributed, not to its private ſupport only, but to the ſtrength of the whole. Here is the true original of the Union; and the wiſdom of the treaters on both ſides, was in nothing more conſpicuous, than that they came to this treaty furniſhed with the true notions of what they were to do, and conſequently, the propereſt and only method for the doing it could not be concealed from them; and we cannot but obſerve, that, through all the courſe of the treaty, the gentlemen kept themſelves cloſe to this principle, to yield to one another in every thing, which the nature of the Union they aimed at required, and the nature of the thing before them would poſſibly permit.

I muſt confeſs, to me, all the notions of federal Unions, guarantees, and everlaſting peace, which our ſeveral writers filled our heads with, while the treaty was appointed, but not yet begun, appeared to me as imperfect embrios, falſe conceptions, and births that muſt end in abortions and diſappointments. I will not ſay I had foreſight of events enough to preſcribe what methods ſhould be taken, or what iſſue would be produced from the treaty then in view; but this I took the freedom always to tell the world, that it muſt be a general, compleat, intire and indiſſolvable Union of intereſts and parties, depending upon

upon equalities of privileges, and equalities of burdens; equalities of profpects, and equalities; if poſſible, in deſires; or that it would be imperfect in its parts, and confuſed in its whole.

I know one reaſon why this ſort of Union was leſs thought on, than perhaps it would have been, was, becauſe the gentlemen, when they came to examine what had ever been attempted this way, found nothing of a full and intire Union, but that under the conqueſt of the Parliament times;—and, alas! ſays one, this muſt be rendered ſo odious, becauſe it was the work of a tyrant, an uſurper, and what not, that nobody could bear to recommend it; and if at any time a man was driven by the neceſſity of his judgment, the convictions of his reaſon, and the conſequences of argument, to come to the borders of that ſcheme, he would ſtare at the hint, as if he had been a ſpectrum, and fly even from his own reaſon, becauſe it concurred with what was hit upon by the man and the people he did not approve.

And why will you go by Whitehall, gentlemen, where ſo many wicked rebels triumphed over their Monarch? Why will you uſe the navy; nay, ſome of the very ſhips, with which the ſame Oliver Cromwell beat your neighbours?

If Oliver had not been a maſter of politics, he had never been Oliver Cromwell in the terms we are now talking of him; and becauſe he hit upon the only ſtep that could be taken to fix the Union of the two nations, muſt we reject it, and rather deſtroy the kingdoms, than cloſe with his unhallowed method?

Reaſon and the nature of things guides all men, whoſe eyes are open, to the ſame methods, when they are purſuing the ſame deſigns; let Oliver Cromwell be what he will, and who he will, it is no part of my buſineſs here; take him in all the blackeſt figures he can be repreſented;—what was the end he purſued in his uniting Scotland to England?—It was ſo to join them, that both parties being made entirely eaſy, might, without heſitation, ſubmit themſelves to his otherwiſe precarious authority. And was he right in this, that, to give the two nations a free and full communication, both of trade, privileges and advantages, was the true and only way to make all people eaſy?—So far his project may be good for us, without ſo much as touching upon the parallel.

The buſineſs of the Union was, to make the nations eaſy, to put them in a ſtate of mutual advantage; if forty tyrants have purſued the method for it, though with wicked deſigns, it was for us to take the method, and mend the deſign, as much as we could.

Oliver Cromwell made a conqueſt of Scotland,—well, and what then?—Let thoſe people, who have talked ſo much of an Union of ſubjection, and conquering Scotland, go back thither for a precedent; Oliver Cromwell knew as well what belonged to conqueſt, as any body in this age will pretend to; nor was he leſs politic in keeping, than terrible in obtaining; and what did he

reſolve

reſolve all his northern conqueſt into?—Nothing but Union, the beſt concerted, the beſt executed, the beſt approved, that ever this iſland ſaw till now; nor could all the heads in Chriſtendom have formed the preſent happy Union, but from the ſchemes of thoſe times.

If ever nation gained by being conquered, it was here; they were ſubdued firſt, and then made happy; and Scotland flouriſhed; juſtice had its uninterrupted courſe; trade increaſed; money plentifully flowed in, and all under what they called tyranny and uſurpation; all under a ſtanding army, Government, and with all the diſadvantages that can be imagined from ſuch a conſtitution, as tended to ſubjection, not liberty; poverty and miſery, not peace and plenty.

And what was the foundation of all this? Nothing but the natural product of common reaſoning; he found that the only way to preſerve the conqueſt he had made on the powers of the nations was to make a conqueſt of their affections; that the only way to do this, was to let them ſee their intereſt and happineſs in his Government; and that this could only be brought to paſs, by uniting and entirely incorporating the nations into one; communicating peace, privileges, and all poſſible advantages to them; and thereby letting them ſee the true way to their proſperity.

No man will ſay this was not the moſt politic ſtep he could take, and muſt we contemn the method, becauſe we cannot be reconciled to the man?—Certainly if Union and incorporation of intereſts was able to make the nation happy, under a ſtanding army, and an abſolute Government as that was (things, in their nature, inconſiſtent with liberty and national proſperity), it muſt be much more capable under a juſt and limited Government, where law governs the very actions of the ſovereign, and all the branches of power are ſquared by, and ſincerely employed for the public good: and it can be no leſſening the value of any true ſcheme of national management, that a perſon uſed or contrived it, that we call a tyrant, or an uſurper.—Let him be ever ſo much a tyrant, he ſhewed he had the true ſpirit of Government in him by this; that he knew the only way to make his Government ſafe was to make it eaſy; and to have the people quiet, was to make them happy; and this he did by Union, an intire incorporated Union;—and the event proved his meaſures were rightly taken.

Our end is now the ſame, though our views are differing; to make the people happy is the end:—If Union be the way, why is it to be liked the worſe, becauſe Oliver Cromwell drew the ſcheme?

I have made this digreſſion, not purely to ſhew how our writers came to be miſtaken in their ſchemes, and why they never hit upon this draught in all their propoſals, though that introduced it; but alſo to prove, that this intire incor-

porating Union has in itſelf the ſeed of national felicity, in that it wrought then that wonder which the world can rarely produce, viz. liberty in tyranny, proſperity in conqueſt, and a nation ſaved even in being ſubdued.

Could it produce this wonderful effect then, much more muſt it be ſuppoſed capable now:—And, I am perſuaded, no man in his ſenſes will like the effect of the preſent Union the worſe, for its receiving any of its parts from the politics of theſe times, if the happineſs of the preſent time may be ſeen in it.

And here I muſt own, that the preſent Union has ſome advantage, though the nations have paid dear for the experiment, in that it has been formed upon the foot of all the moſt politic ſchemes of former times; and all the miſcarriages of former treaties have been as warnings to furniſh the experience of theſe times to make them wary, and inſtruct them how to avoid the rocks that others ſplit on.

I have now brought the treaters to London; their names, and the Commiſſion for them reſpectively to treat, I have inſerted in the minutes of the treaty, as it was laid before the Parliament of Scotland, and immediately following this part.

When they firſt met, they hardly knew what meaſures they ſhould take; they knew what buſineſs they came to do, but, I dare ſay, the gentlemen will bear with me in ſaying, they could not foreſee the manner and management that followed; and it was a pleaſing ſurpriſe, to find all ſides and parties to agree, in leaving all politic methods formerly ſtudied, rather to delay and defeat the deſign of an Union than to compleat it; and to fall in heartily to conſider, as the general theſis, what could conduce moſt to the main deſign of their meeting, The Union; and, in order to this, they reſolved not to ſtudy advantages againſt one another; nor to demand, on either ſide, any thing but what was agreeable to both kingdoms, in their united capacity: This was a happy indication that both ſides came together with a true ſpirit of the Union among them; that they ſincerely intended to apply themſelves to it, with the utmoſt diligence, and to purſue it by all the moſt proper methods to bring it to paſs;—the very contrary extreme of which is what, as I have already noted, has been the principal occaſion of the miſcarriage of all the former treaties, and which good men were very much afraid of now.

Before they met in public, ſome of the Commiſſioners on both ſides had a meeting among themſelves, privately to conſider of the method of proceeding.

And here it was firſt debated, in what manner propoſals ſhould be delivered and received; ſome were for having conferences of every thing that ſhould be propoſed, for the convenience of free reaſoning; others objected againſt that as tedious, and offered as the moſt expeditious method, that every thing ſhould be delivered in writing, and then the Commiſſioners, reſpectively meeting apart, might reaſon among themſelves, and give in their reſolutions the more perfect;—and this was agreed on by both parties.

This is the cauſe, that, in the minutes of this treaty, we have little of their private reaſonings recorded; ſince, their having been thus by themſelves, they have not been noticed ſo, as to come to light in any regular manner.

There was but one public conference, which was deſired by the Commiſſioners for Scotland; and this was about the number of the Scots Repreſentatives in Parliament; and in this it is impoſſible to get the particular arguments uſed on both ſides. The particular perſons on either ſide were as follows:

1ſt, The Lord Treaſurer of England, who opened the thing, and deſired the Commiſſioners for Scotland to propoſe their reaſons, why the Engliſh ſhould give a greater number than was mentioned.

Lord Chancellor of Scotland ſpoke next, and gave reaſons why they inſiſted upon a greater number.

Mr. Secretary Harley replied to Lord Chancellor of Scotland.

The Lord Chancellor ſpoke a ſecond time, in anſwer to Mr. Secretary Harley,

The Earl of Pembroke ſpoke after, to what the Lord Chancellor had offered.

The Earl of Stair replied to the Earl of Pembroke's ſpeech.

The Lord Keeper ſpoke next.

Sir David Dalrymple followed the Lord Keeper.

Duke of Devonſhire to Sir David.

And Mr. Seton of Pitmedden concluded.

The great deſign of the arguments on the part of the Scots Commiſſioners were ſummed up in this.

That they could have no precedent, as to the number of Repreſentatives, argued from Oliver Cromwell's diviſion; becauſe he was arbitrary, and neither gave a juſt repreſentation to England, or to Ireland.

That the preſent ſcheme of taxes could not be the rule; but, if the Repreſentative was to be meaſured by the proportion of taxes, it was on their ſide; ſince, immediately upon the Union, thoſe taxes would be greater.

That, if any rule could be laid down, it ought to be an arithmetical proportion, between the number of people and the taxes paid, conſidered on both ſides reſpectively: in which caſe the Hollanders were brought as an example, where, if you take the people, without their circumſtances of wealth, they bear no proportion, becauſe their riches are vaſtly greater than their numbers: If their riches are taken without their people, the diſproportion would be as great the other way.

Upon the whole it was concluded, there could be no certain rule to direct their Lordſhips the Commiſſioners, but the preſent circumſtances of the nations ſhould be judged of by both ſides, and ſuch a Repreſentative to be allowed as ſhould be agreeable to juſtice in both.

Upon

Upon this debate, their Lordſhips retired on either hand; and the next day the Commiſſioners for England brought in a propoſal for a Repreſentative for Scotland, augmented to forty-five Commoners, and ſixteen Lords, which the Scots Commiſſioners acquieſced in, as will more particularly appear by the minutes of the treaty, which are inſerted at large, as they were extracted out of the books of the Commiſſioners, and beginning with the Commiſſions reſpectively given to the perſons appointed to treat, as follows:

The Commiſſion to the Perſons appointed for Scotland.

ANNA Dei Gratia, Magnæ Britaniæ, Franciæ & Hyberniæ Regina, fideique defenſor, &c. Omnibus probis hominibus ad quos preſentes literaæ noſtræ pervenerint, ſalutem; quandoquidem Nos conſiderantes immenſe commodum omnibus noſtris ſubditis, per arctiorem and completiorem Unionem Regnorum noſtrorum Scotiæ and Angliæ oriundum; cumque per actum Parliamenti dicti Regni Angliæ, anno Domini milleſimo, ſeptingenteſimo quarto, iis perſonis, vel tot tali eorundem numero, qui a nobis nominarentur, and quos Nos in hunc effectum, pro quorum (ut loquuntur) ſtatuerimus, plena authoritas & proteſtas conceſſa eſt conveniendi & tractandi cum iis Commiſſionariis, authoritate Parliamenti Scotiæ muniendis, de tali Unione dictorum duorum Regnorum Scotiæ and Angliæ, ac circa quæcunque alia negotia, cauſas & res quæ (debita deliberatione habita majoris partis dictorum Commiſſionariorum (ut prædicitur) congregatorum) una cum Commiſſionariis authoritate Parliamenti Scotiæ muniendis, dicti Commiſſionarii noſtro honori & mutuo bonæ utriuſque Regni in perpetuum convenientia & neceſſaria, in eurum prudentia judicabunt: Noſque etiam ex Regia noſtra affectione, & cura ad promovendum fœlicitatem omnium noſtrorum ſubditorum, tale inſigne & bonum opus proſequi deſiderantes & cupientes, Parliamento noſtro Scotiæ Menſe Junii ultimo elapſi commendavimus, ut cum dicto Regno noſtro Angliæ tractatus inſtitueretur; in cujus proſecutione per quartum actum ſeſſionis Parliamenti ultimo elapſæ decretum, ſtatutum & ordinatum eſt, quod ii, & quot eorum nobis viſum fuerit, ſub magno ſigillo dicti antiqui noſtri Regni Scotiæ, conſtituere & nominare, plenan poteſtatem, Commiſſionem & authoritatem haberent, locis & temporibus a nobis deſignandis conveniendi ac congrandi; ac cum talibus Commiſſionariis, authoritate Parliamenti Angliæ muniendis tractandi & deliberandi circa talem Unionem dictorum duorum Regnorum Scotiæ & Angliæ, & circa quæcunque alia negotia, cauſas & res quæ (matura deliberatione habita majoris partis dictorum Commiſſionariorum, ut prædicitur, congregatorum) una cum Commiſſionariis, authoritate Parliamenti Angliæ muniendis, ſecundum tenorem eorum Commiſſionum eatenus conceſſarum, dicti Commiſſionarii honori noſtro &

utilitati, & mutuo commodo dictorum noſtrorum Regnorum, in perpetuum conducere judicabunt; ac etiam quod dicti Commiſſionarii, pro utroque Regno, ſecundum tenorem ſuorum Commiſſionum reſpective, ſua acta & geſta, in eadem materia, in tria diverſa ſcripta aut inſtrumenta ſingulatim per ipſos, aut eorum quorum ſcribenda & ſigillanda redigent & digerent; in & ad hunc finem, ut unum dictorum ſcriptorum nobis, aliud dictorum ſcriptorum Parliamento Scotiæ, & tertium dictorum ſcriptorum aut inſtrumentorum Parliamento Angliæ, proximis Parliamentorum ſeſſionibus in utroque regno reſpective tenendis, exhibeantur; poſtquam dicta ſcripta ſeu inſtrumenta, per dictos Commiſſionarios, ſubſcripta & ſigillata fuerint, ut deſu per Nos & dicta Parliamenta ultra procedamus, prout neceſſarium viſum fuerit, pro commodo & bono utriuſq; regni, quibus Parliamentis integra conſideratio totius, ac in totum vel pro parte approbandi, prout iis expediens videbitur, omnino reſervatur; et per antedictum actum providitur, quod nulla materia aut res tractanda, proponenda, vel per dictos Commiſſionarios virtute prædicti acti concludenda, ullius erit vigoris, ſeu effectus cujuſcunq; donec prius authoritate & acto Parliamenti regni Scotiæ confirmata & ſtabilita fuerit: et quod non licitum erit dictis Commiſſionariis, de alternatione cultus diſciplinæ aut regiminis eccleſiæ Scoticanæ, ut nunc per leges ſtabilita ſunt, ullo modo tractare: cumq; nos ſatis experte ſpecialem fidem & fiduciam reponamus, in fidelitate, eximiis animi dotibus, & prudentia perſonarum infraſcriptarum, viz. Jacobi Comitis de Seafield ſummi noſtri Cancellarii dicti Regni, Jacobi Ducis de Queenſberry Secreti noſtri Sigilli Cuſtodis, Joanni Comitis de Mar & Hugonis Comitis de Loudoun noſtrorum principalium Status Secretariorum, Joannis Comitis de Sutherland, Jacobi Comitis de Morton, Davidis Comitis de Weyms, Davidis Comitis de Leven, Joannis Comitis de Stair, Archibaldi Comitis de Roſeberry, Davidis Comitis de Glaſgow noſtri Theſauarii Deputmini Archibaldi Campbell Fratris Germanii Ducis de Argyle, Thomæ Vicecomitis de Duplin, Gulielmi Domini de Roſs unius Commiſſionariorum noſtræ Theſaurarii, Domini Hugonis Dalrymple Collegii noſtri Juſticiæ Præſidis, Adami Cockburn de Ormeſtoun noſtri Juſticiarii Clerici, Domini Roberti Dundaſs de Arniſtoun & Magiſtri, Roberti Steuart de Tillicultrie Senatorum Collegii Juſticiæ, Magiſtri Franciſci Montgomery unius Commiſſionariorum noſtri Theſauarii, Domini Davidis Dalrymple unius noſtrorum Solicitorum, Domini Alexandri Ogilvie de Forglan Generalis noſtri Receptoris, Domini Patricii Johnſtoun Præpoſiti Edinburgenſis, Domini Jacobi Smollet de Bonhill, Georgii Lockhart de Carnwath, Gulielmi Moriſon de Preſtongrange, Alexandri Grant de eodem Junioris, Gulielmi Seton de Pitmedden Junioris, Joannis Clarke de Pennycook Junioris, Hugonis Montgomery nuper Præpoſiti Glaſguenſis, Danielis Steuart Fratris

German

Germani Baronis de Caſtlemilk, & Danielis Campbell de Arntennet; noveritis igitur Nos nominaſſe, conſtituiſſe & ordinaſſe, ſicuti Nos tenore præſentium, nominamus, conſtituimus & ordinamus memoratas perſonas Commiſſionarios, pro dicto regno Scotiæ, ad effectum prædictum; Dando & Concedendo illis, vel eorem novem, quos pro quorum (ut loquuntur) ſtatuimus plenum poteſtatem, Commiſſionem & authoritatem, congregandi & conveniendi, cum talibus Commiſſionariis, authoritate Parliamenti Angliæ muniendis, vel eorum ſufficiente numero (vulgo quorum) apud civitatem noſtram de Weſtminſter, decimo ſexto die menſis Aprilis proxime ſequentis, & tempore, & loco prædicto, tractandi circa Unionem dictorum regnorum, Scotiæ & Angliæ; et circa quæcunq; alia negotia, cauſas & res, quæ (matura deliberatione habita majoris partis dictorum Commiſſionariorum, ut prædicitur, congregatorum) una cum Commiſſionariis, authoritate Parliamenti Angliæ muniendis, ſecundum tenorem eorum Commiſſionum, in hunc effectum; dicti Commiſſionarii honori noſtro, & commodo, & mutuo bono utriuſque regni in perpetuum neceſſaria & convenientia judicabunt, cum poteſtate dictis Commiſſionariis, & eorum ſufficiente numero (vulgo quorum ut loquuntur) de tempore in tempus, cum aut abſq; continuatione congregandi & conveniendi; et in omnibus quibuſcunq; rebus, per præſentes, vel dictum actum Parliamenti, eorum curæ conceditis & commiſſis, ſecundum eorum officium & judicium procedendi, mandando & requirendo prædictos Commiſſionarios curam adhibere, & omnia ſua acta & geſta in præmiſis, in tria diverſa ſcripta aut inſtrumenta, debite redigantur & digerentur, per eos ſubſcribenda, ſigillanda & præparanda, ita ut Nobis, & Parliamentis utriuſq; regni exhibeantur; modo per dictum actum ſtatuto & exquiſito, Declarando omni modo per præſentes; quod licitum non erit dictis Commiſſionariis de alteratione cultus diſciplinæ aut regiminis eccleſiæ Scoticanæ, ut nunc per leges ſtabilita ſunt, ullo modo tractare; ac etiam declaranda nulla negotia, aut res tractanda, proponenda aut per dictos Commiſſionarios virtute præſentis Commiſſionis, concludenda ullius fore vigoris ſeu effectus cujuſcunque, donec prius authoritate & acto Parliamenti dicti antiqui regni Scotiæ, confirmata & ſtabilita fuerint: Reſervando nobis plenam poteſtatem & authoritatem continuandi præſentes Commiſſionarios, ad quemvis locum, & quoties nobis viſum fuerit, per ſcriptum noſtri regali manu ſignatum, aut epiſtolam iis directam, non obſtante poteſtate ſeipſos continuandi, talibus temporibus, & ad tales locos, ut ipſis viſum fuerit, per præſentes iis conceſſa. In cujus rei teſtimonium, præſentibus magnum ſigillum noſtrum appendi præcipimus. Apud aulam noſtram de Kenſington vigeſimo ſeptimo die menſis Februarii, anno domini milleſimo ſeptingenteſimo ſexto, & anno regni noſtro quarto.

Per Signaturam manu S. D. N.
Reginæ Suprafcriptam.

ANNE by the Grace of God, of England, Scotland, France and Ireland Queen, Defender of the Faith, &c. To the moſt Reverend Father in God, Thomas Archbiſhop of Canterbury; our right truſty and well-beloved Counſellor William Cooper, Eſq. our Keeper of our Great Seal of England; the moſt Reverend Father in God, John Archbiſhop of York; our right truſty and well-beloved Counſellor Sidney, Lord Godolphin, our High Treaſurer of England; our right truſty and right well-beloved couſin and Counſellor Thomas Earl of Pembroke and Montgomery, our Preſident of our Council; our right truſty and right entirely beloved couſins and Counſellors John Duke of Newcaſtle, our Keeper of our Privy Seal; William Duke of Devonſhire, our Steward of our Houſehold; Charles Duke of Somerſet, our Maſter of our Horſe, and Charles Duke of Bolton; our right truſty and right well-beloved couſins, Charles Earl of Sunderland, and Evelin Earl of Kingſton; our right truſty and right well-beloved couſin and Counſellor Charles Earl of Carliſle; our right truſty and right well-beloved couſin Edward Earl of Orford; our right truſty and well-beloved couſin Charles Viſcount Townſend; our right truſty and well-beloved Counſellor Thomas Lord Wharton; our right truſty and well-beloved Ralph Lord Grey; our right truſty and well-beloved Counſellor John Lord Powlet; our right truſty and well-beloved John Lord Summers, and Charles Lord Hallifax; our right truſty and well-beloved Counſellor John Smith, Eſq. our right truſty and well-beloved William Cavendiſh, Eſq. commonly called Marquis of Hartington; John Manners, Eſq. commonly called Marquis of Granby; our right truſty and well-beloved Counſellors Sir Charles Hedges, Knight, and Robert Harley, Eſq. our principal Secretaries of State; Henry Boil, Eſq. Chancellor and under Treaſurer of our Exchequer; Sir John Holt, Knight, Chief Juſtice of our Court of Queen's Bench; Sir Thomas Trevor, Knight, Chief Juſtice of our Court of Common Pleas; Sir Edward Northey, Knight, our Attorney-General; Sir Symon Harcourt, Knight, our Solicitor-General; Sir John Cook, Knight, Doctor of Laws, our Advocate-General, and Stephen Waller, Doctor of Laws; Greeting. Whereas, the kingdoms of England and Scotland were firſt united in allegiance and loyal ſubjection in the perſon of our Royal Great Grandfather King James the Firſt, ſince which happy conjunction, it hath been very much endeavoured that a nearer and more compleat Union might be ſettled between both kingdoms, and ſome progreſs towards the attainment thereof was made, not only in the time of our ſaid late Royal Great Grandfather, but alſo in the time of our late Royal Uncle, King Charles the Second. And whereas, we out of our princely zeal and care for the welfare and happineſs of our ſubjects, being alſo deſirous of a nearer and more compleat Union between our two

ſaid

ſaid kingdoms of England and Scotland, did recommend to our Parliament of England from the throne to conſider of proper methods for obtaining the ſame: And whereas, in our Parliament held at Weſtminſter the third and fourth years of our reign, an act paſſed, entitled, *An Act for the effectual Securing the Kingdom of England from the apparent Dangers that may ariſe from ſeveral Acts paſſed in the Kingdom of Scotland.* In and by which act of Parliament, it was enacted, that ſuch perſons as ſhould be nominated by us, under our Great Seal of England, or ſuch and ſo many of them as ſhould in that behalf be appointed by us to be of the quorum, ſhould by force of the ſame act, have full power, commiſſion and authority, at ſuch time and times, and in ſuch place or places as we ſhould pleaſe to appoint to aſſemble and meet; and thereupon to treat and conſult according to the tenor, or purport of their authority or commiſſion in that behalf, with certain Commiſſioners as ſhould be authorized by authority of the Parliament of Scotland, of and concerning ſuch an Union of the ſaid kingdoms of England and Scotland, and of and concerning ſuch other matters, clauſes and things as upon mature deliberation of the greateſt part of the ſaid Commiſſioners aſſembled as aforeſaid, and the Commiſſioners to be authorized by the Parliament of Scotland, according to the tenor or purport of their commiſſion in that behalf, ſhould in their wiſdoms think convenient and neceſſary for our honour, and the common good of both our ſaid kingdoms for ever: And that the Commiſſioners of both our ſaid kingdoms ſhould, according to the tenor or purport of their ſaid authority and commiſſions in that behalf, reduce their doings and proceedings therein into writings or inſtruments quadrupartite, every part to be ſubſcribed and ſealed by them, to the end that one part thereof may in all humbleneſs be preſented to us; two other parts thereof to be offered to the conſideration of the Parliament for the realm of England, and another part thereof to be offered to the conſideration of the Parliament for the realm of Scotland at their next Seſſions, which ſhould be held in each kingdom reſpectively after ſuch writings or inſtruments ſhould be ſubſcribed and ſealed by the ſaid Commiſſioners, that thereupon ſuch further proceedings might be had as we and both the ſaid Parliaments ſhould think fit and neceſſary for the well and common good of both the ſaid kingdoms, to whom the entire conſideration of the whole, and the allowing or diſallowing of the whole, or any part thereof, as they ſhall think fit, is wholly reſerved as in and by the ſaid act, relation being thereunto had, may more at large appear. And whereas, in the fourth year of our reign, an act was made and paſſed in our Parliament of our kingdom of Scotland, for enabling us to appoint Commiſſioners to treat with Commiſſioners for our kingdom of England, of and concerning an Union of the ſaid kingdoms; now know ye, that we repoſing eſpecial truſt and confidence in your fidelity, ability, prudence, induſtry, diligence

gence and circumſpection, have nominated, conſtituted and appointed, and by theſe preſents do nominate, conſtitute and appoint you the ſaid Thomas Archbiſhop of Canterbury; William Cooper; John Archbiſhop of York; Sidney, Lord Godolphin, Thomas Earl of Pembroke and Montgomery, John Duke of Newcaſtle, William Duke of Devonſhire, Charles Duke of Somerſet, Charles Duke of Bolton, Charles Earl of Sunderland, Evelin Earl of Kingſton, Charles Earl of Carliſle, Edward Earl of Orford, Charles Viſcount Townſend, Thomas Lord Wharton, Ralph Lord Grey, John Lord Powlet, John Lord Summers, Charles Lord Hallifax, John Smith, William Marquis of Hartington, John Marquis of Granby, Sir Charles Hedges, Robert Harley, Henry Boil, Sir John Holt, Sir Thomas Trevor, Sir Edward Northey, Sir Symon Harcourt, Sir John Cook; and Stephen Waller, to be Commiſſioners for the kingdom of England, in this behalf, giving unto you, any ſeven or more of you full power and authority to aſſemble and meet with the Commiſſioners authorized, or to be authorized by us, purſuant to the ſaid act made in our Parliament of Scotland, or ſo many of them as ſhall be a quorum, at our Council Chamber at the Cockpit, Whitehall, upon Tueſday the 16th Day of April inſtant; and then and there to treat and conſult with them, of and concerning ſuch an Union of the ſaid kingdoms of England and Scotland, and of and concerning ſuch other matters, clauſes and things as you and the Commiſſioners authorized, or to be authorized as aforeſaid, or the major part of you and them aſſembled, ſhall upon mature deliberation think convenient and neceſſary for our honour, and the common good of both our ſaid kingdoms for ever; and from time to time, with or without adjournments, to aſſemble and meet at the place aforeſaid, or at ſuch other place or places as the major part of you and them aſſembled ſhall think fit; and to proceed in all and every the matters herein before-mentioned committed to your care, according to your beſt diſcretions: And you are to take care that all your doings and proceedings in and about the premiſes with the Commiſſioners authorized, or to be authorized as aforeſaid, be reduced into writings or inſtruments quadrupartite, and that every part thereof be ſubſcribed and ſealed by you and them, and be preſented unto us, and the Parliaments of both kingdoms in ſuch manner and form, as in and by the ſaid act firſt mentioned is enjoined and required. In witneſs whereof, we have cauſed theſe our letters to be made patents. Witneſs Ourſelf at Weſtminſter the 10th Day of April, in the Fifth Year of our Reign.

Per Breve de privato Sigillo Wright.

At the Council Chamber in the Cockpit, Tuesday the 16th of April, 1706.

In purſuance of Her Majeſty's Commiſſions under Her reſpective Great Seals of Scotland and England, the Lords Commiſſioners of both Kingdoms, for the Treaty of Union, met at the Council Chamber in the Cockpit.

The names of the Commiſſioners, as mentioned in the ſaid Commiſſions, are,

Scot.

James Earl of Seafield, Lord Chancellor.
James Duke of Queenſberry, Lord Privy Seal.
John Earl of Mar, } Secretaries of
Hugh Earl of Loudoun, } State.
Jon Earl of Sutherland.
James Earl of Morton.
David Earl of Wemyſs.
David Earl of Leven.
John Earl of Stair.
Archibald Earl of Roſeberry.
David Earl of Glaſgow, Treaſ. Deput.
Lord Archibald Campbell, brother germain to the Duke of Argyle.
Thomas Lord Viſcount Duplin.
William Lord Roſs, one of the Commiſſioners of Treaſury.
Sir Hugh Dalrymple, Lord Preſident of Seſſion.
Adam Cockburn of Ormeſtoun, Lord Juſtice Clerk.
Sir Robert Dundas of Arniſtoun, one of the Senators of the Col. of Juſtice.
Mr. Robert Steuart of Tillicultrie, one of the Senators of the Col. of Juſtice.
Mr. Francis Montgomery, one of the Commiſſioners of the Treaſury.
Sir David Dalrymple, Solicitor.
Sir Alexander Ogilvie of Forglen, General Receiver.
Sir Patrick Johnſtone, Lord Provoſt of Edinburgh.
Sir James Smollet of Bonhill.

Engl.

Thomas Archbiſhop of Canterbury.
William Cooper, Eſq. Lord Keeper.
John Archbiſhop of York.
Sidney Lord Godolphin, High Treaſ.
Thomas Earl of Pembroke and Montgomery, Lord Preſident of Council.
John Duke of Newcaſtle, Lord Privy Seal.
William Duke of Devonſhire, Steward of the Houſhold.
Charles Duke of Somerſet, Maſter of Horſe.
Charles Duke of Bolton.
Charles Earl of Sunderland.
Evelin Earl of Kingſtone.
Charles Earl of Carliſle.
Edward Earl of Orford.
Charles Lord Viſcount Townſend.
Thomas Lord Wharton.
Ralph Lord Grey.
John Lord Powlet.
John Lord Sommers.
Charles Lord Hallifax.
John Smith, Eſq. Speaker of the Houſe of Commons.
William Marquis of Hartington.
John Marquis of Granby.
Sir Charles Hedges, Knt. } Secretaries
Robert Harley, Eſq. } of State.
Henry Boil, Chancellor, and Under-Treaſurer of the Exchequer.
Sir John Holt, Knt. Chief Juſtice of the Court of Queen's Bench,

Scot.	Engl.
George Lockhart of Carnwath.	Sir Thomas Trevor, Knt. Chief Juſtice of the Court of Common Pleas.
William Moriſon of Preſtongrange.	Sir Edward Northey, Knt. Attorney General.
Alexander Grant, younger, of that Ilk.	Sir Symon Harcourt, Knt. Solicitor General.
William Seton, younger, of Pitmedden.	Sir John Cook, Doctor of Laws, Advocate General.
John Clark, younger, of Pennicook.	Stephen Waller, Doctor of Laws.
Hugh Montgomery, late Provoſt of Glaſgow.	
Daniel Stewart, brother german to the Laird of Caſtlemilk.	
Daniel Campbell of Ardintennie.	

After the Lords Commiſſioners for both kingdoms had taken their places, the Commiſſions were opened, and read by the reſpective Secretaries.

The Lord Keeper of the Great Seal of England, addreſſing himſelf to the Lords Commiſſioners for Scotland, ſpoke in theſe words:

My Lords,

WE the Commiſſioners appointed by Her Majeſty, and authorized by the Parliament of England, to conſult and treat with your Lordſhips, as impowered in like manner by her Majeſty and the Parliament of Scotland, concerning an Union of the two kingdoms, and ſuch other things as we the Commiſſioners on both parts ſhall think convenient and neceſſary for the honour of her Majeſty, and the common good of both kingdoms, do apprehend there never was (in any aſſembly of this nature) ſo little occaſion, as at preſent, for the Commiſſioners of England to give any verbal aſſurances of their zeal to promote and compleat (ſo far as in their power) the great and good deſign we are met about; ſince it cannot be doubted, but that we bring along with us the ſame ſentiments which ſo lately appeared in the Parliament of England, when they took care to manifeſt by a ſolemn act, that they did poſtpone all other conſiderations to their evidencing a good and friendly diſpoſition towards the kingdom of Scotland.

The Parliament of England, in making that unexpected advance, ſeemed reſolved, if poſſible, to attain that Union, which hath been ſo long thought neceſſary, by all that wiſh well to the proſperity of both nations.

And we moſt ſincerely aſſure your Lordſhips, that we accordingly meet your Lordſhips, with hearts fully reſolved to uſe our utmoſt endeavours to remove all difficulties in this treaty, to prevent all miſunderſtandings, to cheriſh and improve the good diſpoſitions to one another we meet with, to have the general and joint good of both kingdoms ſolely in our view, and not the ſeparate of either; but to act as if we were already united in intereſt, and had nothing left

to

to conſider, but what ſettlements and proviſions are moſt likely to conduce to the common ſafety and happineſs of this whole iſland of Great Britain.

Which meaſures, if purſued on both parts, we hope may enable us to prepare ſuch terms of Union as may prove ſatisfactory to her Majeſty, and the Parliaments of both kingdoms.

And the Earl of Seafield, Lord High Chancellor of Scotland, on the Part of the Lords Commiſſioners for Scotland, ſpoke as followeth.

My Lords,

THE Lords Commiſſioners for Scotland have deſired me to aſſure your Lordſhips, that they meet you on this occaſion, with great willingneſs and ſatisfaction, to treat of an Union between the two kingdoms, and of ſuch other matters and concerns as may be for her Majeſty's honour, and the maintaining a good underſtanding between the two nations.

We are convinced that an Union will be of great advantage to both; the Proteſtant religion will be thereby the more firmly ſecured, the deſigns of our enemies effectually diſappointed, and the riches and trade of the whole iſland advanced.

This Union has been often endeavoured, both before and ſince the kingdoms were united in allegiance under one Sovereign; and ſeveral treaties have been ſet on foot for that end, though without the deſired ſucceſs; but now we are hopeful that this ſhall be the happy opportunity of accompliſhing it; her Majeſty hath frequently ſignified her good inclinations towards it; and we are the more encouraged to expect ſucceſs in this treaty, by the good diſpoſition apparent in the Parliament of Scotland for it, and by the friendly proceedings in the laſt ſeſſion of the Parliament of England, which gave general ſatisfaction.

We have great confidence in your Lordſhips good intentions, and we ſhall be ready on our parts, to enter into ſuch meaſures with you, as may bring the treaty to ſuch a concluſion, as may be acceptable to her Majeſty, and to the Parliaments of both kingdoms.

Ordered that copies of the two Commiſſions be prepared and ſigned by the reſpective Secretaries, and interchanged againſt the next meeting.

Adjourned to Monday next, the 22d. inſtant, at 6 o'clock in the evening.

Monday the 22d of April, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board Articles of Preliminaries, which were read, as follows:

1. That all propoſals made by either ſide, be made in writing, and every point agreed on ſhall be reduced into writing.

2. That no point, though agreed on, and reduced into writing, ſhall be obligatory on either ſide, till all matters be adjuſted in ſuch manner as will be proper to be laid before the Queen and the two Parliaments for their approbation.

3. That there be a Committee appointed, conſiſting of a certain number of each Commiſſion, to reviſe the minutes of what paſſes, which are not to be inſerted by the Secretaries in their reſpective books, but by order of the ſaid Committee, having firſt made report thereof to the reſpective Commiſſioners, and received their approbation of the ſame.

4. That all the proceedings of the Commiſſioners of both kingdoms, during the treaty, be kept ſecret.

The Lord Keeper alſo delivered to the Board the following propoſal, which was read.

That the two kingdoms of England and Scotland be for ever united into one kingdom by the name of Great Britain; that the united kingdom of Great Britain be repreſented by one and the ſame Parliament; and that the ſucceſſion to the Monarchy of the united kingdom of Great Britain, in caſe of failure of heirs of her Majeſty's body, be, according to the limitations mentioned in an act of Parliament, made in England, in the 12th and 13th year of the reign of the late King William, intituled, "An Act for the further Limi-"tation of the Crown, and the better ſecuring the Rights and Liberties of the "Subjects."

Adjourned to Wedneſday the 24th inſtant, at 5 in the evening.

Wedneſday the 24th of April, 1706.

The Lord Chancellor of Scotland acquainted the Board, that the Lords Commiſſioners for Scotland do agree to the Preliminary Articles propoſed by the Lords Commiſſioners for England at the laſt meeting, for regulating the methods of proceedings in this treaty.

The following propoſals were alſo delivered to the Board by the Lord Chancellor of Scotland, and were read.

1. That the ſucceſſion to the Crown of Scotland, in caſe of failure of heirs of her Majeſty's body, ſhall be eſtabliſhed upon the ſame perſons mentioned in an act of Parliament made in England, in the 12th and 13th year of the reign of the late King William, intituled, "An Act for the further Limitation of the "Crown, and the better Securing of the Rights and Liberties of the Subjects."

2. That the ſubjects of Scotland ſhall for ever enjoy all rights and privileges, as natives of England in England, and the dominions thereunto belonging; and reciprocally, that the ſubjects of England ſhall enjoy the like rights and privileges in Scotland.

3. That

3. That there be free communication and intercourſe of trade and navigation between the two kingdoms, and plantations thereunto belonging, under ſuch regulations, as in the progreſs of this treaty ſhall be found moſt for the advantages of both kingdoms.

4. That all laws and ſtatutes in either kingdom, contrary to the terms of this Union, be repealed.

The Lords Commiſſioners for England withdrew, and being returned, the Lord Keeper, in their Lordſhips names, delivered to the Board the following anſwer, which was read.

The Lords Commiſſioners for England are ſo fully convinced, that nothing but an intire Union of the two kingdoms will ſettle perfect and laſting friendſhip between them; that they therefore think fit to decline entering into any further conſideration of the propoſal now made by the Lords Commiſſioners for Scotland, as not tending to that end and deſire; that the Lords Commiſſioners for Scotland would be pleaſed to give in their anſwer to the propoſals delivered on Monday the 22d inſtant, by the Lords Commiſſioners for England, in order to an intire Union of both kingdoms.

Adjourned to Thurſday the 25th inſtant, at 5 in the evening.

OBSERVATIONS ON THE MINUTES OF THE THREE FIRST DAYS.

The ceremonies on either hand being over, Wedneſday was the firſt day in which it may be ſaid, any thing of buſineſs was entered upon.

The Commiſſioners on the Engliſh ſide preſented a ſummary, as it may be called, of an Union in general, by which it is plain a compleat incorporation of the two kingdoms was propoſed.

The Scots propoſal was leſs general, and yet readily agreeing to the ſucceſſion, to a communication of privileges, and an intercourſe of trade.

I mention this here, becauſe it was afterwards objected to the treaters on the Scots ſide in the following Parliament; that they had given up their country to the Engliſh, in coming into an incorporating Union immediately, without propoſing any terms which might have been more advantageous to Scotland.

It is manifeſt the Scots Commiſſioners did make propoſals of uniting, which were not incorporating; or at leaſt, which being reſtricted to their own country only, were ſignificant of a concern for Scotland, leaving the propoſal on the behalf of England to the Engliſh Commiſſioners.

But, as will appear in the ſubſequent minutes, the Engliſh Commiſſioners were come to a reſolution previous to this treaty, viz. "That nothing could "complete the felicity of either kingdom, and for ever remove all poſſible dif- "ficulties, breaches, and ſeparation of intereſts from among them for the future, "but an entire and incorporating Union, by which the two nations ſhould be

"formed

" formed into one government, be under one ſovereign head, in one repre-
" ſented body, ſtanding upon one foundation, enjoying equal privileges, and in
" common, bearing one general proportion of burdens, the ſame in end and
" mean, having but one common intereſt, one name, and being for ever here-
" after but one people."

This therefore they laid down as the theſis of their future conferences; and purſuant to this, the firſt general they delivered in, contained the three and moſt eſſential articles of the following treaty, viz. " The uniting the two kingdoms " into one; the ſettling the repreſentation in one aſſembly of Parliament; and " the ſettling the ſucceſſion in the ſame line.

And the Scots propoſals being ſhort in the general incorporating part, the Engliſh Commiſſioners inſiſted upon it, as above, declining to treat upon particulars till that was firſt determined; all debate of particulars being not ſo directly tending to a concluſion, till the great and main queſtion was agreed to, " Whether the Union ſhould be entire or no, in the ſenſe as above?"

The proſecuting this queſtion will effectually defend the Scots Commiſſioners, who, though they were afterwards convinced of the main point in debate, viz. " That nothing but an entire Union would be effectual to ſettle a laſting " friendſhip between the two nations," yet did not ſo eaſily give up their other propoſals as was ſuggeſted; nor did they give them up at all merely upon the Engliſh Commiſſioners refuſing to treat upon any other foot; for the directeſt anſwer to a reſolution ſo poſitive as that, might have been thought to have been an equal ſtiffneſs, and refuſing to reſolve upon ſo general a clauſe, till other heads had been adjuſted.

But the Commiſſioners on the Scots ſide found themſelves convinced, Firſt, Of the ſincerity and candid intentions of the Commiſſioners on the Engliſh part, to purſue ſuch a treaty, and in ſuch a manner, as might moſt conduce to the mutual happineſs of both kingdoms, and to make the Union both laſting and effectual.

Secondly, They found themſelves convinced, upon ſerious debate, and further inquiry into particulars, that nothing but this incorporation of intereſts, privileges, and circumſtances, could make an effectual, laſting, indiſſolvable Union; and ſo they came into it with the ſame ſincerity, and from the ſame candid deſign of ſettling the whole, and of acting to the advantage of either party. Not being at all over-ruled, awed, or drawn in, as was objected afterwards againſt them. And this would appear at large, if the long debates, ſpeeches and arguments on both ſides could have been recovered.

Thurſday the 25th of April, 1706.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board an anſwer to the propoſal made on the 22d inſtant, by

by the Lords Commiſſioners for England, with a proviſion therein-mentioned, which was read.

The Lords Commiſſioners for Scotland have conſidered the propoſal given in to them by the Lords Commiſſioners for England, on Monday the 22d inſtant, and do agree, that the two kingdoms of Scotland and England be for ever united into one kingdom, by the name of Great-Britain; that the united kingdom of Great-Britain be repreſented by one and the ſame Parliament, and that the ſucceſſion to the Monarchy of the kingdom of Great-Britain (in caſe of failure of heirs of her Majeſty's body) ſhall deſcend upon the moſt excellent princeſs Sophia, Electoreſs and Ducheſs Dowager of Hanover, and remain to her and the heirs of her body, being Proteſtants, to whom the ſucceſſion to the crown of England is provided, by an act made in the 12th and 13th year of the reign of the late King William, intituled, "An act for the further Limita-"tion of the Crown, and better ſecuring the Rights and Liberties of the Sub-"jects, and excluding all Papiſts, and who ſhall marry Papiſts, in the terms of "the ſaid Act;" with this proviſion, "That all the ſubjects of the united "kingdom of Great-Britain ſhall have full freedom and intercourſe of trade and "navigation, to and from any part or place within the ſaid united kingdom, "and plantations thereunto belonging; and there be a communication of all "other privileges and advantages, which do, or may belong to the ſubjects of "either kingdom."

The Lords Commiſſioners for England withdrew, and being returned, the Lord Keeper did, in the name of the Lords Commiſſioners for England, deliver to the Board the following reply, which was read.

The Lords Commiſſioners for England are of opinion, that the proviſion added by the Lords Commiſſioners for Scotland to the propoſal made by the Lords Commiſſioners for England, upon the 22d inſtant, is a neceſſary conſe-quence for an intire Union; and therefore their Lordſhips do agree to the ſaid proviſion, under ſuch terms as in the further progreſs of this treaty ſhall be found to be for the common advantage of both kingdoms.

A Committee was appointed in purſuance of the third article of Preliminaries for reviſing the Minutes, and there was nominated on the part of

Scot.	Engl.
Earl of Sutherland.	Lord Grey.
Earl of Leven.	John Smith, Eſquire, Speaker of the Commons.
Lord Preſident of Seſſion.	Sir Thomas Trevor.
Lord Juſtice Clerk.	Sir John Cook.
John Clark of Pennicook.	Doctor Waller.
Or any three of them.	Or any three of them.

Adjourned to Monday the 29th inſtant, at 5 in the evening.

OBSERVATION II.

The Commiſſioners for Scotland, after the debates and reaſonings on the laſt day about the general propoſal of the Union, as an incorporating entire Union, had alſo a meeting among themſelves, in which it was determined, after a long conſideration, to agree to the propoſal made by the Engliſh Commiſſioners, of a full and entire incorporation.

This is what was afterwards reflected on in Scotland, and which the oppoſing party called a betraying their country; and as far as poſſible incenſed the people againſt them, who punning on the word treaters, called them the traitors; and on this foot it was, that when the rabble in Edinburgh firſt took a head, they pretended to inſult the treaters, as the perſons that had given them up to the Engliſh, and accordingly began with Sir Patrick Johnſtoun, a perſon who was otherwiſe univerſally beloved among them, and had merited the eſteem he had with them, by a ſober, diſcreet and gentlemanlike behaviour, as well when in the Government, having been Provoſt of Edinburgh but the year before, as at all other times.

Monday, April the 29th, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board the following propoſal, which was read.

That there be the ſame cuſtoms, exciſes, and all other taxes; and the ſame prohibitions, reſtrictions and regulations of trade throughout the united kingdom of Great-Britain.

The Lords Commiſſioners for Scotland withdrew, and being returned, the Lord Chancellor, in their Lordſhips names, delivered to the Board the following anſwer, which was read.

The propoſal given in by your Lordſhips contains ſo many particulars, that the Lords Commiſſioners for Scotland do propoſe, before they offer any anſwer to it, that there be a Committee appointed of an equal number of each ſide to adjuſt the ſeveral points therein, and deſire that your Lordſhips will order an accompt of the taxes and other things in your propoſal to be laid before the ſaid Committee, as the Lords Commiſſioners for Scotland ſhall be ready to do on their parts.

The Lords Commiſſioners for England withdrew, and being returned, the Lord Keeper in their Lordſhips names delivered to the Board the following reply, which was read.

The Lords Commiſſioners for England have deſired a ſtate of the taxes, and other things in their laſt propoſal mentioned, to be laid before them, in order to refer the ſame to the conſideration of a Committee to conſiſt of an equal number of each ſide, which their Lordſhips propoſe to be the number of eleven on each part, and of them any ſix to have power to proceed in the matters referred to them.

The

The Lords Commiſſioners for Scotland agreed to appoint a Committee to conſiſt of eleven of each ſide, and of them any ſix to have power to proceed, and that they ſhould be nominated next meeting.

Adjourned to the 1ſt of May 1706. 6 in the evening.

Wedneſday the 1ſt *of May*, 1706.

The Lords Commiſſioners for both kingdoms proceeded to nominate the Committee agreed on the 29th ult. to conſider matters to be to them referred, and the Lords Commiſſioners following were nominated to be the ſaid Committee.

On the part of Scotl.	Engl.
Lord Chancellor.	Duke of Somerſet.
Duke of Queenſberry.	Duke of Bolton.
Earl of Mar.	Earl of Sunderland.
Earl of Loudoun.	Lord Townſend.
Earl of Sutherland.	Lord Wharton.
Earl of Leven.	Lord Sommers.
Earl of Stair.	Speaker of the Commons.
Lord Duplin.	Marquis of Hartington.
Lord Preſident of Seſſion.	Mr. Secretary Harley.
Lord Juſtice Clerk.	Henry Boyle, Eſquire.
Sir Patrick Johnſtone.	Sir Simon Harcourt.

Agreed the above-named Committee meet to-morrow morning at ten o'clock, and that they have power to adjourn themſelves. Adjourned to Friday the 3d inſtant.

Friday the 3d of May, 1706.

The Lord Treaſurer of England acquainted the Board, that he was directed by the Lords Commiſſioners for England to let their Lordſhips know, that the account of the revenues and debts of England, deſired the 29th paſt to be laid before the Board, had been prepared, but were not drawn in ſuch a manner as would fully anſwer the end for which they were propoſed; for which reaſon they were directed to be drawn in another method, and hoped they would be got ready to lay before the Board next Monday. Adjourned to Monday the 6th inſtant.

OBSERVATION III.

The main points of Union being thus ſettled, as above, and all the federal, provincial and confederating ſchemes, which the world without doors had filled their heads with, being vaniſhed, the Commiſſioners fell cloſe to their work; and the firſt article propoſed by the Engliſh Commiſſioners laid the ſcheme of the whole affair, viz. cuſtoms, exciſes, and temporary taxes, prohibitions, reſtrictions, and regulations of trade.

The great queſtion now before them was, how to fix a center in all theſe, or a great ſtandard of equalities, ſo as every part might bear its equal ſhare of the

burthens of the war, in proportion to its capacity, and every part enjoy its equal ſhare of the advantages of commerce, each bear an equal part of the weight of the government, and reap an equal part of its protection. This ſcale of equalities had a great variety of diſcording parts in it; to bring together the difficulties of which, was the buſineſs now before them, and the method of reconciling them, will appear in the further obſervations on theſe proceedings.

The firſt thing requiſite to bring this matter into a way of debate, was for either ſide to give in a true ſtate of the ordinary revenue, the debts and the extraordinary taxes of either kingdom, that a ſcale of proportions might be formed.

I mention it here, to note how naturally every thing occurred, in order to the main end; and how, after the firſt conceſſion of an entire incorporation, every thing, that might tend to compleating that deſign, came in of courſe; for without doubt, equalities and proportion of taxes, privileges and advantages, was, and muſt be the only method, to bring about a compleat entire Union of intereſts, and it was impoſſible to be done without it.

The undertaking indeed amazed the world, and when people began to look into it with but a tranſient view, it appeared a perfect chaos, a maſs of abſurdities, which it would be impoſſible to reconcile; the people, who had propoſed their federal ſchemes, laughed at this project, and talked of it as impracticable, called it a chimera of the Engliſh Miniſtry, and pretended to prophecy its dwindling into nothing, and bringing the treaty to the ſame iſſue, as was done in the laſt commiſſion.

But when abler heads began to look into it, and take it to pieces, the parts all appeared capable of reduction into form, and the preſages of the gentlemen who had ſo bantered it appeared groundleſs; the maſs began to move, and every thing retiring to its proper place, guided by the temper, moderation, and application of the Commiſſioners, the beautiful thing, called Union, began to ſhew itſelf, and the nation began to conceive hopes of its being perfected, in ſpite of all the ſeeming difficulties, with which the enemies to the deſign had clogged mens expectation, as will appear hereafter.

To bring the balance of circumſtances upon the ſtage, it was abſolutely neceſſary to enter into the ſeveral inequalities, in which the two kingdoms then ſtood; theſe inequalities, as they lay particularly before the treaters, conſiſted in matters of taxes, cuſtoms, exciſes and commerce.

In order to ſtate theſe, the ſeveral debts and revenue of the reſpective nations were ſtated; abſtracts of which are annexed to theſe obſervations, as they were given in to the Commiſſioners of both kingdoms.

Monday the 6th of *May*, 1706.

The Lord Keeper acquainted the Board, that the Lords Commiſſioners for England had delivered to their Secretary a ſtate of the revenues and income of

England, and alſo of the debts of the ſaid kingdom, which were to be laid before the Lords of the Committee of both kingdoms at their next meeting.

Adjourned to Thurſday the ninth inſtant.

Thurſday the 9th of *May*, 1706.

The Lord Chancellor acquainted the Board, that the Lords Commiſſioners for Scotland had delivered to their Secretary, an account of the revenue in Scotland, and the ſum about which the debts of that kingdom would amount to, to be laid before the Lords of the Committee of both kingdoms.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board an anſwer to the propoſal made by the Lords Commiſſioners for England on the 29th of April, which was read.

The Lords Commiſſioners for Scotland do agree, that all parts of the united kingdom of Great-Britain be under the ſame regulations, prohibitions and reſtrictions, and liable to equal impoſitions and duties for export and import; but in regard ſeveral of the funds relating to the cuſtoms are already appropriated, for the payment of debts properly belonging to England, it is propoſed that an equivalent be allowed for them.

The Lords Commiſſioners for Scotland do alſo agree, that all the ſubjects of the united kingdom ſhall be liable to equal land taxes, or taxes upon the pound-rent, providing the proportion for Scotland ſhall only be 12,000l. when 1s. is impoſed on the pound-rent on England; ſo that 48,000l. in Scotland ſhall be reckoned equal to the 4s aid now impoſed on England, and ſo proportionable, and to be raiſed in the ſame manner now uſed in Scotland, and free of all charges.

The private rights of corporations and companies are reſerved to be conſidered in the courſe of this treaty.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered alſo to the Board the following propoſal, which was read.

The Lords Commiſſioners for Scotland do propoſe, that neither of the kingdoms be burthened with the debts of the other contracted before the Union.

Adjourned to Friday the 10th inſtant, at five in the evening.

OBSERVATION IV.

It was in the debates of this day that the great difficulties lay; and indeed thoſe that ſeemed moſt concerned for the ſucceſs, apprehended ſomething here too difficult to be maſtered, and that would render all the reſt abortive.

The ſtate of the affairs of either nation was in ſhort thus:

1. England had very large incomes or revenues, and their cuſtoms and exciſe brought in vaſt ſums, viz.

Cuſtoms, - -	1,341,559l. per annum.
Exciſes, - -	947,602l. per annum.

But, on the other hand, England had vaſt debts lay upon them to diſcharge;

and for the diſcharge of which theſe revenues and almoſt all their other taxes, the land tax and malt tax excepted, were appropriated.

2. Scotland had but ſmall revenues, her cuſtoms and exciſe producing but the following ſums, viz.

The cuſtoms let out in tack, or farm, from year to year, only at 30,000l. per annum.

The exciſe, farmed alſo, at 35,000l. per annum.

But then the revenue of Scotland was entirely free from anticipations, or appropriations on any account of debt: Not but that there were public debts too, but the revenue was not charged with them.

Now, upon the uniting the revenues of both kingdoms, under theſe differing circumſtances, there were but two poſſible methods that could be propoſed:

1. Either, that each kingdom, coming to a full point in matters of revenue, ſhould, like two tradeſmen coming into partnerſhip, pay off their own reſpective debts, and bring in their ſeveral proportions of ſtock, clear of all incumbrances.

2. Or that, putting the general accounts of debts and ſtock together, the Engliſh ſhould make good the inequalities to the Scots ſome other way.

The Scots Commiſſioners wiſely propoſed, for the eaſe of their own country, that the revenues of Scotland ſhould not be at all chargeable with the Engliſh debts;—and this was thought to be a very good argument to excuſe Scotland from ſome duties which, notwithſtanding the general article of paying equal taxes, Scotland could by no means bear. Of theſe, as they reſpect cuſtoms or exciſes, foreign or home trade, I ſhall ſpeak as they come in order.

But the Engliſh Commiſſioners, adhering to the firſt principle of the treaty, viz. Of its being an intire incorporating Union, were upon that account obliged to inſiſt upon this alſo, which formed afterward the ſixth article, viz. That there be an equality of cuſtoms, exciſes, and all other taxes throughout the united kingdom, as that, without which the Union could not be entire.

This being laid down as a general theſis in the whole debate, two things came in courſe to be examined as mediums.

1. A ſcale of proportions to form the equalities.

2. An equivalent to be given for ſupplying unavoidable inequalities.

And this will be found to run through the whole ſeries of the treaty, as the foundation of the whole; and however after ridiculed and reflected on by the oppoſers of the treaty, it appears to be the only foundation they could have gone upon, and which was the only medium to bring the treaty into a poſſibility of coming to a happy concluſion.

No man could deny but all equalities conſiſted in proportions, and to have extended the thing called equality of taxes to a numerical equality, as ſome pretend

pretend in England, was ſaying nothing; the cuſtoms, manner of valuation of land, and innumerable circumſtances of Scotland, rendered it impracticable.

The Engliſh Commiſſioners therefore, when they inſiſted upon an equality of taxes, readily agreed to the giving Scotland an equivalent for the payment of their own debts, ſo far as their cuſtoms and exciſes ſhould come into the appropriations of the Engliſh revenue.

What alterations, exceptions, and abatements were made, as to equalities of taxes, will be ſpoken to in the minutes of the Scots Parliament, where the exceptions were made, and thoſe calculations adjuſted.

Friday the 10th May, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board a reply to the anſwer made on the 9th inſtant, by the Lords Commiſſioners for Scotland, to their Lordſhips propoſal on the 29th of April laſt, which was read.

The Lords Commiſſioners for England obſerving, that in the anſwer made by the Lords Commiſſioners for Scotland, the 9th inſtant, to their Lordſhips propoſal of the 29th of April, that there be an equality of cuſtoms, exciſes, and all other taxes throughout the united kingdom of Great-Britain, the Lords Commiſſioners for Scotland take no notice of what relates to exciſes, the Lords Commiſſioners for England do therefore think it neceſſary to inſiſt upon their ſaid propoſal, as that without which there cannot be an entire Union between the two kingdoms, of which their Lordſhips are ſo deſirous on their parts, that they are ready to agree to an equivalent for what Scotland ſhall be taxed towards payment of the debts of England, in all particulars whatſoever.

Adjourned to Monday the 13th inſtant, at 10 in the morning.

Monday the 13th of May, 1706.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board a further anſwer to the propoſal made by the Lords Commiſſioners for England on the 29th of April laſt, which was read.

The Lords Commiſſioners for Scotland did take into their conſideration the propoſal offered by the Lords Commiſſioners for England the 29th of April, and found it comprehended ſo many particulars, that they judged it moſt proper to anſwer it point by point; accordingly, on the 9th inſtant, they gave an anſwer as to the cuſtoms and land-tax, and did not mention any thing therein of the exciſes, becauſe the conſideration of theſe was depending before the Committee of the Commiſſioners of both ſides; but to ſatisfy the Lords Commiſſioners for England, that nothing ſhall be wanting on the part of the Lords Commiſſioners for Scotland, that is neceſſary for the attaining an entire Union, they do agree to the equality of exciſes on ale, beer, mum, cyder, ſweets, perry, low wines, aquavitæ and ſpirits; but they do propoſe an exemption

emption from all other burthens and exciſes within Scotland for a competent time, to be adjuſted in the courſe of this treaty, that the ſubjects of Scotland may (by the benefit ariſing from the communication of trade) be put in a capacity to bear a proportion of other burthens and exciſes, being willing at the commencement of the Union, to bear equal exciſes on all that is exported from Scotland to England, or the Plantations: And the Lords Commiſſioners for Scotland do hope, that the Lords Commiſſioners for England will be convinced that the immunity from theſe other burthens and exciſes for a term of years, is conſiſtent with an entire Union, and will not put the trade on an unequal foot, when the preſent circumſtances of both kingdoms are duly conſidered.

And whereas the Lords Commiſſioners for England did, by their propoſal, declare they were ready to agree to an equivalent for what Scotland ſhall be taxed in towards the payment of the debts of England in all particulars whatſoever, the Lords Commiſſioners for Scotland are ready to enter with their Lordſhips into the conſideration of this equivalent, and how to make it effectual.

The Lords Commiſſioners for England withdrew, and being returned, the Lord Keeper, in their Lordſhips names, delivered to the Board their reply to the aforeſaid anſwer, which was read.

The Lords Commiſſioners for England, taking into their conſideration the paper delivered to them this meeting, by the Lords Commiſſioners for Scotland, are ſo ſenſible of the Lords Commiſſioners for Scotland's having agreed to an equality of exciſes, as to all exciſeable liquors, (as the Lords Commiſſioners for England underſtand the ſame) and to an equality of exciſes and burthens on all goods exported to England, and the Plantations, which the Lords Commiſſioners for England do not doubt will be agreed to by the Lords Commiſſioners for Scotland, as to all goods exported to all places whatſoever,—that to ſhew their readineſs to comply with every thing reaſonable, to the bringing this treaty to a good effect, they are willing to enter into the conſideration of the particular exciſes and burthens point by point, which being of ſeveral natures, ſo that they will require to be diſtinctly conſidered, the Lords Commiſſioners for England find it neceſſary to deſire a little time for giving their opinion on each particular head: But in general are inclined to conſent to an exemption of exciſes and burthens, as propoſed in ſuch caſes, where it may be done without prejudice to the trade or manufactures of England: As to the exciſes, where an exemption cannot be conſented to without ſuch inconveniency, the Lords Commiſſioners for England will conſider of a proper equivalent, or ſome other expedient to promote the deſired Union of the two nations.

And as to thoſe cuſtoms and exciſes, to which their Lordſhips have already agreed, and for which an equivalent is to be allowed to the kingdom of Scotland;

land; The Lords Commiſſioners for England do think it would tend to the diſpatch of this treaty, that the Committee already appointed ſhould continue to ſit, in order to the adjuſting that matter.

Adjourned to Wedneſday the 15th inſtant, 5 in the evening.

Wedneſday the 15th *of May*, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board an anſwer to the propoſal made by the Lords Commiſſioners for Scotland on the 13th inſtant, which was read.

The Lords Commiſſioners for England, taking into conſideration the propoſal made by the Lords Commiſſioners for Scotland on the 13th inſtant, "That "the kingdom of Scotland ſhould be, for a competent time, exempted from all "exciſes and burthens, others than ſuch as have been agreed unto by the Lords "Commiſſioners for Scotland;" have, in order to comply with the ſaid propoſal, ſo far as can be done without prejudice to the trade and manufactures of England, diſtinctly enumerated and conſidered the ſeveral exciſes and burthens, which are now payable by virtue of the divers acts of Parliament in England, and which have not yet been agreed to by the Lords Commiſſioners for Scotland, and do find the ſame to conſiſt of the particulars which are hereafter mentioned, together with the opinion and anſwers of the Lords Commiſſioners for England, to the ſaid propoſal, as to each of the ſaid reſpective duties.

1. The duty on ſtamped paper, vellum and parchment, one moiety whereof expires on the firſt of Auguſt, 1710:—The Lords Commiſſioners for England do conſent, that the kingdom of Scotland be exempted from the whole duty until the firſt of Auguſt, which ſhall be in the year of our Lord 1710.

2. The duty on births, marriages and burials, which being to expire the firſt of Auguſt next, and therefore before the deſirable Union can take place, The Lords Commiſſioners for England do conceive it to be wholly unneceſſary to enter further into the conſideration of that duty.

3. The duty payable on windows and lights till the firſt of Auguſt, 1710:—The Lords Commiſſioners for England are of opinion, that the kingdom of Scotland ſhall be exempted from the ſaid duty during that term.

4. The Duty on coals and culm, payable to the 30th of September, 1710. As to this duty, the Lords Commiſſioners for England do conſent, that the kingdom of Scotland do remain exempted from the ſaid duty during the ſaid term, as to all coals and culm conſumed within the kingdom of Scotland, and no otherways.

5. The duty on malt granted for no longer time than the 24th of June, 1707:—The Lords Commiſſioners for England do conſent, that the kingdom of Scotland ſhall remain exempted during the ſaid term from the ſaid duty.

6. The

6. The duty on ſalt:—As to this duty, the Lords Commiſſioners for England, to ſhew their willingneſs to eaſe for ſome time the poor of the kingdom of Scotland, do conſent, that the kingdom of Scotland ſhall, for a competent time after the Union, (to be ſettled in the progreſs of this treaty) remain exempt from the payment of that duty for all ſalt ſpent in kind, or uſed in proviſions ſpent within the kingdom of Scotland: Provided, that the Lords Commiſſioners for Scotland do propoſe effectual methods to the Lords Commiſſioners for England, for ſecuring, that the like duties, as are now payable in England, be paid and collected in the kingdom of Scotland, after the Union, without fraud, as to all ſalt exported from that kingdom, either in kind or proviſions.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board an explanation of their agreement to the exciſes, &c. mentioned in their Lordſhips paper delivered to the Board the 13th inſtant, which was read.

The Lords Commiſſioners for Scotland, by their paper delivered the 13th inſtant, did mean an equality on all exciſeable liquors, as the Lords Commiſſioners for England did underſtand it; and they are willing there be an equality of exciſes and burthens on all goods exported to all places whatſoever, which they agreed to by their propoſal the 9th inſtant.

Adjourned to Friday the 17th inſtant, in the evening.

Friday the 17th of May, 1706.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, in relation to the ſeveral taxes and exciſes to which their Lordſhips had agreed, and renewing their propoſal of the 13th inſtant, for a general exemption for ſome competent time, from all other exciſes and burdens, than thoſe already agreed to, which was read.

The Lords Commiſſioners for Scotland, ſince the laſt general meeting, have again conſidered the propoſition made by the Lords Commiſſioners for England the 29th of April laſt, viz. That there be the ſame cuſtoms, exciſes and all other taxes; and the ſame prohibitions, reſtrictions and regulations of trade throughout the united kingdom of Great-Britain, with the papers which have been ſince delivered by the Commiſſioners of both kingdoms upon that ſubject, and do with great ſatisfaction obſerve, that the difference, as to that important propoſal, is brought to a very narrow compaſs. And the Lords Commiſſioners for Scotland take this occaſion to acknowledge the ſenſe they have of the regard ſhewn by the Lords Commiſſioners for England, for the ſubjects of Scotland after the deſired Union; and the Lords Commiſſioners for

Scotland

Scotland having, by their ſeveral propoſals and anſwers, agreed to the ſame regulations of trade, and to an equality of cuſtoms and exciſes upon all exciſeable liquors, and a quota of land tax, all to commence from the Union; as alſo to an equality of all other taxes after ſome years, they do conceive, that they have fully complied with the ſaid propoſal of the 29th of April, excepting only that they have propoſed an exemption for ſome time from all further burthens, than thoſe expreſsly conſented to. And as to the exemption deſired, the Lords Commiſſioners for Scotland are very ſenſible that the Lords Commiſſioners for England have not only, by their paper of the 13th inſtant, declared, that they were inclined to conſent in general to an exemption of exciſes and burthens, as propoſed in ſuch caſes, where it might be done without prejudice to the trade and manufactures of England; but that, in purſuance of that good diſpoſition, their Lordſhips, by their paper of the 15th inſtant, have conſented to an exemption in favour of the ſubjects of Scotland, from the ſeveral duties, and for the particular terms therein mentioned, whereby the immunity deſired is ſo far granted; but the Lords Commiſſioners for Scotland, from their conſideration of the preſent circumſtances of that kingdom, find themſelves under a neceſſity to renew their propoſal of a general exemption, for ſome competent time, from all other exciſes and burthens, beſides thoſe great duties and taxes already conſented to, that the ſubjects of Scotland may, by the benefit of trade, be enabled cheerfully to bear an equality of all other burdens, which will greatly advance a firm Union and coalition of affection and intereſt between the two kingdoms.

Adjourned to Saturday the 18th inſtant, at 5 in the evening.

OBSERVATION V.

The Commiſſioners were now entered upon the great inquiry about equalities, and the firſt matter relating to taxes was that of the land tax; the land tax in England was a formidable thing, being called a tax of four ſhillings in the pound of the rent of lands, &c. And the people who were fond of throwing a tangled ſkein in the hands of the treaters, that might ſhock them at the beginning, would have gone upon that foot, alledging, that though the rents in Scotland were differing from thoſe in England; yet that twenty ſhillings ſterling revenue being the ſame thing any where, it could as well afford to pay four ſhillings out of it in Scotland as any where elſe; and upon this foot, it ſeems, were for bringing the rents of land in Scotland to a true eſtimate, and ſo they would call this way of taxing an equality.

But to this it was anſwered, firſt, that the Scots way of collecting their taxes, being rigorous and exact, if four ſhillings per-pound were laid by Parliament upon the whole iſland, their aſſeſſments would *bona fide* be four ſhillings per pound, upon the rack rent of all their lands.

Whereas four ſhillings per pound in England never puts the aſſeſſors out of their old road; but every county being rated in the very body of the act, the title is *ipſo facto* repealed, ſince if the lands, &c. of that county will raiſe the money by an aſſeſſment of one ſhilling and ſix-pence per pound, and it is known ſome do for leſs, the law is ſatisfied, and the end anſwered.

Now to tax Scotland at four ſhillings per pound upon her nett rent, and tax the northern and weſtern counties of England but at ſo much money, which they can raiſe by a proportion of ſixteen-pence to twenty-pence at moſt, per pound, would be unreaſonable.

So that it was plain, Scotland could not be taxed at a pound rate, but at a proportioned ſum, leaving them to the diviſion of it, to raiſe it as they ſee fit.

2. The ſum charged upon lands in England, after it is levied and raiſed from the tenant, ſtands charged with large deductions and charges, upon the levying, collecting, and receiving; and thoſe charges, if ſome calculations are right, amount to little leſs than nine pence per pound upon the money received, beſides public loſſes by the inſolvency of receivers and their ſecurities, which often times runs deep into the money; and which though they cannot be brought into an exact account, yet put all together, twelve pence per pound may at leaſt very well be charged upon the whole, as an off-reckoning or diſcount upon the money, between the collection and Exchequer.

This twelve-pence per pound upon the money collected is two-pence $\frac{2}{10}$ per pound upon all the rents in England, and amounts in every land-tax to near a hundred thouſand pounds ſterling.

Now, as on the other hand, the Scots collect all their tax at their own charges, clear of all loſſes, deficiencies or defalcations, and pay it in nett to the Exchequer or public treaſure, to charge them by the ſame numerical equality with England, would be to make them pay their taxes clear of charge, and bear part of the expence and loſs in collecting ours.

3. Differing cuſtoms and manners of paying rent, and letting out lands in the two kingdoms, make a numerical equality impracticable.

In England the rents are paid in money, in Scotland they are, generally ſpeaking, paid in kind, or victual, as they call it: now though it is true this may, and is, in ſome reſpect, brought to a head by a general valuation, yet, with this difference, againſt a Scots landlord to an Engliſh, viz. That the Scots landlord ſtays two terms, and runs two riſques in his receiving the rent of his land.

Firſt, he ſtays the term agreed to receive of his tenant; and ſecondly, he truſts the merchant a ſecond term, to whom he ſells the produce he receives of his tenant; in the ſame ſenſe he runs two hazards; one in the ſolvency of the tenant, and the other of the merchant; which makes a conſiderable difference in the eſſential value of the rent, and conſequently of the purchaſe of ſuch an eſtate;

and

and though the purchaſe or real value of lands in Scotland may not come into this diſpute; yet were an eſtate let in England to pay the rent in kind, it would ſell for much leſs than an eſtate of the ſame value paid in ſpecie: nor would it be taxed at near ſo much in our common aſſeſſment.

4. The difference in letting lands in England, which are in many places fined down, and the ſtated rents reduced, makes another variation: whereas in Scotland lands are let without leaſes, or but on ſhort terms, and at a rack rent; any man that knows what belongs to letting or taking lands in England, cannot be ignorant, that the landlord letting a long leaſe to the tenant, confining him to ſuch and ſuch improvement, makes frequent conſiderations in the rent, and ſo the land being taxed by the rent, is taxed under the value.

On the other hand, ſhould this article of four ſhillings per pound be inſiſted on in the literal ſenſe, and the Scots come to conſider how to avoid it, by fining down rents, and other advantageous methods, which they may eaſily find out, they may ſoon evade the act, and pay little or nothing; and this would be an evil hard to diſcover; and, if found out, almoſt impoſſible to cure.

From theſe reaſons it was plain, a numerical or arithmetical equality could not be the foundation of thoſe debates;—but, as it was very well ſtyled, it behoved to be a geometrical equality, founded on a ſcale of proportions; and that ſcale formed upon due conſiderations, not of real value only, but of circumſtances and proſpects of either kingdom.

A ſecond calculation was then propoſed, from the proportion which Scotland was obliged to pay under Oliver Cromwell, who having reduced Scotland by arms, incorporated them into one body with this nation; and by this incorporation, they were rated at 6,000 per month, in their land-tax, when England was rated at 70,000l. per month.

It alſo appears, by the ſame calculation, that Scotland paid this 6,000l. per month when England paid but 35,000l. per month.

Now to apply this calculation to the preſent caſe, the land-tax in England, in time of war, at 4s. per pound is ſuppoſed to raiſe two millions ſterling.

The Scots paying 6,000l. to England's 35,000l. per month, which is ſomething leſs than a ſixth part, by the ſame rule, in two millions per annum, which the ſaid land-tax raiſes, they muſt be chargeable with 333,333l. 6s. 8d. per annum, land-tax.

But this arbitrary difference, which Oliver Cromwell and his Parliament made, as is obſerved, was in conſideration that England had, for divers years paſt, been at almoſt all the expence of the war; yet ſtill, at the former calculation, Scotland would, in a four ſhilling aid pay half that ſum, viz. 166,666l. 13s. 4d. per annum.

Now, to examine the rents of each kingdom, the annual rents of lands in Scotland, muſt, by the firſt calculation, amount to 1,666,666l. 13s. 4d. ſterl. per annum; and, by the laſt calculation, juſt half the money.

Both which ſums, it was alledged, are far wide of an equality, and far beyond what Scotland is able to raiſe.

I am the larger on this head, that poſterity may ſee the reaſons why theſe calculations were made, and have the arguments preſerved for their uſe, if it be diſputed hereafter, why Scotland ſhould pay ſo ſmall a proportion in the land-taxes, or four ſhilling aid; and which may help others to defend Scotland againſt future attempts to enlarge their expences.

The next thing was to examine what was, or what might be counted a due equality; and here it will be neceſſary to enter a little into the ſhort hiſtory of taxes in Scotland, ſince the Reſtoration; which, bringing it down to the preſent time, may ſerve as a rule to this matter.

Anciently the levying money upon land in Scotland was called in general the Taxation; and the manner of levying it was by rules altogether obſolete, and now grown out of uſe, as the cuſtom of tenths, fifteenths, ſubſidies, &c. are in England.

The now method of taxing land has its beginning, as to practice, in the aſſeſſment of 6,000l. per month, ſettled in Scotland in Cromwell's time, when an Union was actually formed and ſettled between the nations; of which, however deficient in itſelf, without doubt this may be ſaid, that it had in it the eſſential parts, and might be modelled into a compleat coalition.

This is the tax they now go by in Scotland, and is called there the ceſs, by which is underſtood a month's aſſeſſment; it is raiſed upon land by a method peculiarly exact, and I have never heard any one complain of the inequality.

It is raiſed, as is before noted, without any charge, deduction, or defalcation, and is paid nett into the Treaſury.

According as the occaſions of the Government require, this tax is encreaſed; but then not the ſum per month is encreaſed, but the number of months are encreaſed, which, by the help of time, encreaſes the ſum.

The original of the demand was as before, and of the method, but the continuance of it was thus introduced:

In former times, the Kings of Scotland contented themſelves with the ancient demeſnes, crown lands, cuſtoms, &c. and, on extraordinary caſes, the Taxation, as above, was their ſupply; exciſes of any ſort were altogether unknown, till the days of King Charles the Second.

King Charles the Second, in the year 1661, obtained of the Scots to give him a ſettled ſum of 40,000l. ſterling during his life, in conſideration whereof, he promiſed never to demand any ceſs, or taxation, except in time of war, as by the words of the act as follows:

Thirteenth Act of the firſt Parliament, Charles II.

" The Eſtates of Parliament, taking to their conſideration the great happi-
" neſs this kingdom hath enjoyed, &c. and that the King's Majeſty hath been gra-
" ciouſly pleaſed, notwithſtanding all the provocations given to himſelf and his
" royal father, to evidence his affection and favour to this his ancient kingdom,
" &c. do with all humble duty acknowledge His Majeſty's unparalleled grace
" and goodneſs, &c.

" And ſeeing, for the due eſtabliſhment of His Majeſty's authority, and ſet-
" ling and ſecuring the peace of the kingdom, His Majeſty may have occaſion
" to raiſe and keep ſome forces within this kingdom, and His Majeſty has ſig-
" nified his reſolution not to raiſe any more ceſs. Therefore, and from the due
" ſenſe of their duty and obligations, the Eſtates of Parliament do, in the name
" of the kingdom, make an humble and cheerful offer to his Majeſty, of a yearly
" annuity of 40,000l. ſterl. during all the days of his Majeſty's life-time."

This 40,000l. was raiſed by 8,000l. laid as impoſt on foreign importations, and 32,000l. per annum on malt brewed into liquor for ſale; but as this was a novelty, and uncertain in its produce, a ceſs was granted to make good the deficiency, which deficiency generally amounted to two months ceſs, more or leſs; and other ceſs than this Scotland knew none till the Convention 1666, which being a time of war, a ceſs was impoſed, but not exceeding three months.

Here it may be obſerved, that in theſe times the exciſes and cuſtoms of Scotland could not raiſe 40,000l. per annum, put together, which I note for the other uſes which I ſhall make of it hereafter. But to go on with my hiſtory.

From this time to the year 1678, Scotland had no more ceſs, nor was at any charge more than to make good the deficiency of the 40,000l. mentioned before; except three months ceſs during the Dutch war, expiring at Candlemas 1674.

About this time the nation being very unhappily divided into parties, had the misfortune not only to have a religious diviſion, but a court diviſion alſo; and people ſtrove at any price to oblige the Sovereign, in giving up their privileges and liberties to be trampled on by arbitrary deſigns. The firſt fruits of this courting the Prince appeared in, that they brought a tax of five months ceſs upon the country, to be continued for five years; which, though in time of peace, was backed with a ſpecious pretence of the diſaffection of the fanatics, or to expreſs it in a more modern phraſe, the danger of the church, as follows:

Act of Convention, 10th of July, 1678.

" The Convention of Eſtates of the kingdom of Scotland, by His Majeſty's
" authority and command at this time aſſembled, conſidering the great hap-
" pineſs,

" pineſs, &c. and as all Kings and Eſtates do at preſent carefully ſecure them-
" ſelves and their people, by providing againſt all ſuch foreign invaſions and
" inteſtine commotions as may make them a prey to their enemies; ſo it is
" not fit that this kingdom ſhould only, of all others, remain without defence
" in a time when theſe dangerous field conventicles, declared by law rendez-
" vouſes of rebellion, do ſtill grow in their numbers and inſolencies, againſt
" all which the preſent forces cannot be in reaſon thought a ſuitable ſecurity;
" in recognizance thereof, &c. the Convention of Eſtates, &c. do humbly be-
" ſeech His Majeſty to accept their cheerful and humble tender of a new
" ſupply."

This was the firſt infraction upon the Scots, to cover which Duke Lauderdale, then Commiſſioner, feigned a new word, and put upon it the gloſs of a *voluntary offer*, or free gift.

When this had been impoſed for about three years, and two years before it expired, King James, then Duke of York, and high Commiſſioner in Scotland, anno 1681, obtained the continuation of this five months ceſs for three years, which was to the year 1684. After this, when he came to the crown, he advanced it by his mere abſolute command to eight months ceſs, and had it confirmed to him for his life. Vide the act, as follows:

12th Act of Parliament, January 7.

" The Eſtates of Parliament calling to mind the many great bleſſings they
" have and do enjoy under the protection of the Royal Government, and eſpe-
" cially by the many deliverances from the rebellious inſurrections and deſigns
" of fanatical traitors, from whom they could expect no leſs than confuſion in
" religion, oppreſſion, &c. And that the terror of His Majeſty's forces
" hath been very inſtrumental for procuring our preſent ſecurity; but conſider-
" ing, that not only theſe enemies continue their inveterate hatred againſt King
" and people; but that their frequent diſappointments have heightened their
" malice to deſpair, and that the preſent forces may be too few to undergo all
" the fatigue which His Majeſty's ſervice, &c. may require; and to demon-
" ſtrate to all ſeditious men, that this nation is reſolved to beſtow all they have
" in the King's ſervice, rather than to bear the leaſt of their inſults. Do there-
" fore, for themſelves and the nation repreſented by them, make a hearty and
" dutiful offer, &c. over and above the five months already impoſed, &c.
" whereby there will be four months ceſs payable at each term hereafter; and
" as a farther evidence of their entire affection, &c. they humbly and heartily
" offer a continuation of the ſaid four months ceſs, termly, during all the terms
" of his Majeſty's life-time, which God Almighty long preſerve."

In this taxation or ceſs, the ſeveral court parties ſtruggled who ſhould give

their country away fafteſt; the Biſhop got into every part of the civil juriſdiction; the ſeverities againſt the people firſt drove them into deſperations and rebellions, and then ſuch advantages were taken, and ſuch uſe made of the ſaid inſurrections to ruin others, that the poor people were brought to the brink of general ruin: the nation being brought to that paſs, that a man might be fined or forfeited; that is, his eſtate taken from him, for his wife's giving a halfpenny at his door to a common beggar, on pretence it was relieving a rebel.

Thus poor Scotland was bought and ſold, and the example is uſeful for our obſervation a great many ways; for thus ſhall every nation be uſed, that is divided into contending parties, and expoſed to an incroaching government.

But that I may not have ſaid all this foreign to the preſent purpoſe, it is very obſervable, and this is the reaſon of the quotation, that this will make one *period* for taxation, viz. The higheſt that an arbitrary Prince, backed with a mercenary nobility, and a governing clergy, even in the greateſt extreme of abſolute tyranny, ever impoſed upon this nation, which at that time it is evident they deſired to ſqueeze, and cared not if they intirely ruined.

Come we now to the Revolution, which theſe exorbitances had no little influence upon: The firſt thing tranſacted upon the meeting of the Eſtates or Convention of Scotland, was to break theſe chains; re-aſſume the power of raiſing taxes by Parliament, and make themſelves judges both of the occaſion and of the ſum.

However, as in England, ſince the Revolution, greater occaſions have called for immenſe ſums to carry on the war, and ſuch taxes have been raiſed as were never heard of before; ſo in Scotland the Parliament have agreed to ſuch taxes as, the aforeſaid time of tyranny excepted, were never known in Scotland before.

Yet, in the carrying on this war, ſix or ſeven months ceſs, has, one time with another, been thought Scotland's full proportion, and the late King, excepting one or two years on extraordinary occaſions, always contented himſelf with it, and this at the ſame time that England raiſed four ſhillings per pound upon their land; nor did Queen Anne ever demand more of her ſubjects in Scotland, though the weight of the war was as great as ever; and this was called another period of taxation.

Now, what was meant by a geometrical ſcale, or equality in taxes, is drawn from theſe proportions.

That, ſince exact valuation of rents cannot be made on both ſides, and leaſt of all in England, it ſeems as good a way to come at this equality, as any could be propoſed.

That the higheſt period of taxes that ever Scotland bore ſince the Reſtoration may be taken on one hand, and ſet againſt the higheſt period of taxes that ever

ever England bore, that is, of a land-tax on both ſides; and put theſe together as the ſcale of equality.

Thus, ſuppoſe the Scots eight months ceſs, though that was the heighth of tyrannic impoſition, and though it is allowed the Scots are manifeſtly impoveriſhed, and leſs able to bear it than they were, yet, ſay it be full eight months ceſs, and ſet this againſt the Engliſh four ſhillings per pound, it could not be found that any more juſt calculation could be made; and the proportion ſeemed ſo clear, that every ſide appeared content with it.

Thus, whenever a tax upon land for four ſhillings per pound is granted, the Scots pay eight months ceſs; if of two ſhillings per pound in England, four months ceſs; and ſo in proportion.

There were other calculations offered about that time, but none ſeemed ſo rationally and ſo exactly ſtated to the circumſtances of the nations, or built on ſo juſt a foundation; and therefore, it met with leſs difficulty than was expected, as will appear hereafter.

Saturday the 18th of May, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board their anſwer to the paper delivered by the Lords Commiſſioners for Scotland the 17th inſtant, which was read.

The Lords Commiſſioners for Scotland, on the 9th inſtant, propoſed a quota of a land-tax, and agreed to the ſame regulations of trade, and to an equality of cuſtoms; and on the 13th agreed to an equality of exciſes on all exciſeable liquors; but, at the ſame time, their Lordſhips propoſed an exemption from all other burthens and exciſes for a competent time.

The Lords Commiſſioners for England did the ſame day return anſwer, that their Lordſhips would enter into the conſideration of the particular exciſes and burthens point by point, and on the 15th inſtant did return their anſwer diſtinctly, to the particular exciſes and burthens payable by virtue of ſeveral acts of Parliament in England, in ſuch manner, as their Lordſhips had reaſon to hope, would have been to the entire ſatisfaction of the Lords Commiſſioners for Scotland; but the Lords Commiſſioners for England finding, by the paper delivered in on the 17th inſtant by the Lords Commiſſioners for Scotland, that though they do take notice of the ſaid anſwer of the 15th, yet their Lordſhips have thought fit to renew their propoſal of a general exemption for ſome competent time, from all other exciſes and burthens, beſides theſe their Lordſhips had already conſented to: The Lords Commiſſioners for England did underſtand that propoſal of the 13th, to extend only to ſuch other burthens and exciſes as are now ſubſiſting in England, to every one of which their Lordſhips think they have given a full and diſtinct anſwer; and if it ſhall appear that any

particulars

particulars have been omitted in that anſwer, the Lords Commiſſioners for England will enter into the conſideration of them, and return their opinion thereupon; but if the Lords Commiſſioners for Scotland would extend their propoſal of the 13th to an exemption from all burthens and exciſes, which the Parliament of Great-Britain may hereafter find neceſſary to impoſe on the united kingdom; the Lords Commiſſioners for England are of opinion, that it cannot be ſuppoſed, the Parliament of Great-Britain will ever lay any ſort of burthens upon the united kingdom, but what they ſhall find of neceſſity at that time for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom; and to allow of any ſuppoſition to the contrary, would be to form and ſet up an unanſwerable argument againſt the Union itſelf; therefore, the Lords Commiſſioners for England do deſire that the Lords Commiſſioners for Scotland would take into their conſideration the ſeveral particulars in that paper delivered to them by the Lords Commiſſioners for England on the 15th inſtant, and return ſuch anſwer to them as their Lordſhips ſhall think fit.

Adjourned to Tueſday the 21ſt inſtant, 5 in the evening.

Tueſday the 21ſt of *May*, 1706.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board their Lordſhips anſwer to the papers delivered by the Lords Commiſſioners for England on the 15th and 18th inſtant, which was read.

The Lords Commiſſioners for Scotland have taken into their conſideration, the papers delivered by the Lords Commiſſioners for England on the 15th and 18th inſtant, and do underſtand that the firſt contains all the ſeveral kind of burthens and exciſes now in uſe in England, beſides thoſe to which the Lords Commiſſioners for Scotland have already agreed.

And as to the ſeveral particulars contained in the ſaid papers:

1. As to duties on ſtamped paper, vellum and parchment, ſeeing the exemption from that impoſition can have no influence on trade or manufactures, and that the ſaid duty does affect the ſecurities of the ſubjects eſtates, adding likewiſe a new condition, which being omitted may make their rights and titles void: and further conſidering, that the ſaid duty will be uneaſy to the people, chargeable in collecting, and of ſmall value; the Lords Commiſſioners for Scotland do propoſe, that the kingdom of Scotland be wholly exempted from the ſame, or at leaſt that the exemption from the ſaid duties, agreed to by the Lords Commiſſioners for England in the ſaid paper of the 15th inſtant, be prolonged beyond the year 1710, to a certain period, as to that moiety which is impoſed for perpetuity.

2. As to the other particular duties, which expire in the year 1710 or ſooner, from which the Lords Commiſſioners for England have agreed that the kingdom of Scotland ſhall be exempted; the Lords Commiſſioners for Scotland do

underſtand, that it was the meaning of the Lords Commiſſioners for England, to extend that exemption to the duty laid on cinders.

3. As to the duty on ſalt; the Lords Commiſſioners for England having conſented, that the kingdom of Scotland ſhall, for a competent time after the Union, remain exempted from the payment of that duty, for all ſalt ſpent in kind, or uſed in proviſions, within the kingdom of Scotland, provided that the Lords Commiſſioners for Scotland ſhould propoſe effectual methods for ſecuring, that the like duties as are now payable in England, be paid and collected in the kingdom of Scotland after the Union, as to all ſalt exported from that kingdom, either in kind or proviſions: the Lords Commiſſioners for Scotland have herewith given in a ſcheme of ſuch regulations as have occurred to them, for ſecuring, that the duty propoſed be collected in Scotland, as to all ſalt exported from that kingdom in kind or proviſions, and are willing to agree to what other methods ſhall be propoſed on that behalf by the Lords Commiſſioners for England; and their Lordſhips are ready to enter with the Lords Commiſſioners for England, on the conſideration of the time to which the ſaid exemption ſhall be limited; and the Lords Commiſſioners for Scotland doubt not, but as the Lords Commiſſioners for England have agreed to the exemption propoſed from all burthens or exciſes now in uſe, but thoſe conſented to by the Lords Commiſſioners for Scotland, that the Lords Commiſſioners for England will alſo agree, that the kingdom of Scotland remain exempted from any duties (except thoſe agreed to) which may be laid on by the Parliament of England before the Union.

And as to the general exemption formerly propoſed on the part of Scotland, from all other burthens than thoſe conſented to for a competent time; the Lords Commiſſioners for Scotland conſidering what the Lords Commiſſioners for England have obſerved, that it cannot be ſuppoſed the Parliament of Great Britain will ever lay any ſort of burthens upon the united kingdom, but what they ſhall find of neceſſity at that time, for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom: therefore the Lords Commiſſioners for Scotland, to avoid the difficulty that may ariſe in that matter, do agree, not to inſiſt further at preſent, but to leave the continuation of the ſaid exemption to be determined by the Parliament of Great Britain.

And the Lords Commiſſioners for Scotland having, by this and their former papers, anſwered the propoſal made by the Lords Commiſſioners for England on the 29th of April, concerning the equality of taxes, the Lords Commiſſioners for Scotland take this occaſion to put the Lords Commiſſioners for England in mind of a propoſal given in to their Lordſhips the 9th inſtant, concerning the quota of land-tax for the kingdom of Scotland, not doubting, but that the Lords Commiſſioners for England will agree to the ſame.

The

The Lord Chancellor did alſo, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following propoſal, which was read.

Propoſal for the effectual preventing the exportation of Scots ſalt to England, or the Plantations, without paying the ſame exciſes, with which Engliſh ſalt is charged, during the exemption allowed to Scotland from the ſaid duty.

1. That no ſalt be tranſported from Scotland to England by land, under the penalty of forfeiting the ſalt and the horſes uſed in tranſporting it, and pay ten ſhillings for every buſhel of ſalt ſo tranſported, for which the carrier, as well as the owner, ſhall be liable conjunctly and ſeverally, and the carriers to be impriſoned until the ſaid penalty be paid.

2. That all ſalt water-borne be entered at a Cuſtom office, and that before ſhipping there be a report made, expreſſing to what port the ſhip or veſſel is bound, and if bound to any port within Scotland, there ſhall be ſufficient ſecurity given for the duty payable in ſix months, with this condition, that in caſe a certificate be returned from the Collector or Collectors where the ſhip or veſſel is bound, that the ſame quantity was truly and without fraud found loaded at the ſaid port or ports, reaſonable allowance being made for waſte ſince the embarkation; then and in that caſe the bond for the duty to become void: and in caſe the ſhip or veſſel be bound for England or the Plantations, the exciſe or duty chargeable on the like ſalt in England ſhall be preſently paid in money, and a tranſire or certificate ſubſcribed by the Collector, expreſſing the quantity of ſalt entered and the duty paid; and if any ſhip or veſſel load ſalt on board, and export the ſame without duly reporting, entering and carrying the ſaid tranſire or certificate along with him, to be produced at the port of diſcharge, the ſhip or veſſel unloading ſhall be confiſcated, and the maſter impriſoned for three months; and in caſe of any fraud or connivance in the Collector or other officers of the cuſtom-houſe, the ſaid Collector or other officer ſhall be liable to pay a year's ſalary, and be deprived of his office.

3. As to proviſions; all fiſhes and fleſh barrelled for exportation are appointed to be packed and cured with foreign ſalt, without any mixture of Scotch or Engliſh ſalt, by the law of Scotland, which foreign ſalt falls under the regulation of foreign trade, and there are no other valuable proviſions that can be imported from Scotland; and the Lords Commiſſioners for Scotland are willing to agree to any further propoſal that ſhall be made for preventing fraud in importing Scotch ſalt, or ſalted proviſions.

Her Majeſty came to the Meeting, and being ſeated in her Chair, ſpoke to the Lords Commiſſioners as followeth.

" My Lords,

" I AM ſo much concerned for the Union of the two kingdoms, that I could not ſatisfy myſelf without coming, before I went out of town, to ſee what

" progreſs you had made in the treaty, and to recommend very earneſtly to you " the bringing it to a happy concluſion with as much diſpatch as the nature of it " will admit, not doubting of the general ſatisfaction which my ſubjects of both " kingdoms will receive in finding you overcome all difficulties to attain ſo great " and public a good."

The Lord Keeper deſired to know of Her Majeſty, if ſhe would be pleaſed to hear the propoſals made on either ſide, and the reſolutions hitherto taken thereupon, read by the reſpective Secretaries; which Her Majeſty was pleaſed to allow of, and the ſame were read accordingly.

After reading whereof, Her Majeſty went away, and the Lords Commiſſioners adjourned to Thurſday the 23d inſtant, 10 o'clock in the morning.

OBSERVATION VI.

And thus, after all the difficulties which were thought unſurmountable by ſome, and endeavoured to be made ſo by others, the affair of the land-tax was ſettled: the next article was the equality of exciſes, cuſtoms, and other appropriated funds, and theſe had ſundry difficulties.

Some were grievous to Scotland with reſpect to their magnitude only, in which caſe, though Scotland was to be ſuppoſed to pay duties under the ſame denominations, yet the Scots Commiſſioners pretended to inſiſt upon it, that they were not able to pay the ſame ſums with England, but that it muſt be reduced to a proportioned equality as in the land-tax, and this reſpected the exciſe and ſeveral branches of the cuſtoms.

Others were grievous to Scotland in the kind, and were thought impracticable, at leaſt for a time, the trade, poverty, and other circumſtances of Scotland not admitting them; theſe were the tax upon malt, and the exciſe, or duty on ſalt.

Others again were ſuch as were altogether impracticable, as having none of the materials to work on in Scotland, or ſuch as could not rationally be expected from them, ſuch as the taxes upon coals, culm, hawkers and pedlars, hackney-coachmen, births, burials, and marriages, glaſs-windows, ſtamped paper, and the like.

In the beginning of the debate on theſe heads, the equality of cuſtoms, export and import, with the ſame reſtrictions and regulations of trade was agreed to by the Scots Commiſſioners; for the neceſſity of commerce made it plain, there could be no adjuſting trade without that. An open, free, uninterrupted commerce by land being the conſequence of an Union, they would otherwiſe ruin the Engliſh trade by ſupplying the Engliſh markets with all ſorts of imported goods cheaper than the Engliſh merchants could do; and this would be a moſt deſtructive article in trade, eſpecially in fine goods. For example, in linens from Hamborough or Holland, or in tobacco, coffee, tea, chocolate, and ſuch other things as were then under large duty and ſmall

carriage; theſe would all be ſpread over England by the Scots, and make unſpeakable confuſions in trade.

It was the ſooner concluded therefore, that the cuſtoms, prohibitions and charges of all foreign importations muſt be numerically and literally the ſame in both nations. But as the Engliſh cuſtoms were already appropriated to pay the Engliſh debts, and the Scots had before propoſed, that neither kingdom be burthened with the debts of the other contracted before the Union, this equality was found very difficult, and next to impracticable; and this brought on the affair of an equivalent, of which hereafter.

This now run through all the heads of taxes; for there remained no queſtion, but that an equivalent was a full compenſation for any difficulty propoſed; and yet the ſettling an equivalent here ſeemed no ſatisfaction. It was alledged, an equivalent was a national ſatisfaction indeed, but not a perſonal; that it could not relieve the particular people it oppreſſed, no, nor make good the damage of the particular trade it would injure; and therefore, the Scots Commiſſioners ſtrove hard to avoid the taxes wholly, rather than to come into them, though with an equivalent;—but it was not to be done; there could be no other method that could make both ſides equally eaſy.

After this had therefore been long diſcourſed, the Scots Commiſſioners came into the article of equality of exciſes on liquors, and the cuſtoms on exported and imported goods; the debate of what that equality was, did not lay before them, but ſeemed referred on both ſides to the reſpective Parliaments, and there we ſhall meet with it again at large.

The cuſtoms and exciſes on liquors being thus ſettled, the Scots Commiſſioners excepted againſt all other exciſes and burthens, and inſiſted upon it as a thing Scotland was not then in a condition to come into, at leaſt for the preſent, as you ſee it expreſſed in the Minutes of May 13. And it is obſervable the Scots Commiſſioners made this propoſal with a great deal of candour and regard to the Engliſh, as appears by their obviating the objection which they knew would be made of the carrying ſalt and malt into England; for it was the particular duties on ſalt and malt, which they had an eye to in this propoſal, in which they deſired exemption for ſo much only as ſhould be conſumed in Scotland.

Upon this occaſion the Committee was appointed to examine and ſtate the nature of the equivalent, and on which particular articles it was to be allowed; and as this was doing, the Commiſſioners in their meetings, went upon the particular points of exciſes or taxes which were to be objected againſt.

The ſtamped paper, the births, burials, windows, &c. were without much difficulty conceded to the Scots; for as the circumſtances of thoſe duties made them improper, ſo the ſtamped duties could not have been extended to Scotland,

land, the methods and cuſtoms of which would have made it impracticable in ſome caſes, and intolerable in others.

The duties on coals, culm and cinders, alſo occaſioned very ſmall debates, the Scots being no otherwiſe exempted from thoſe duties, than a great part of England is, who pay no duty for all their river-borne coals; and the quantity of coals carried by ſea in Scotland, is ſo very ſmall as not to deſerve any notice; howbeit all the coal exported from Scotland, or Scots coal expended in England, pays as in England.

The births and burial act expired, and having been grievous in England, it was not probable it ſhould be renewed.

The hackney-coachmen's act could not concern Scotland, there being ſo few hackney-coaches in Edinburgh, as not to make it worth notice.

The malt and ſalt tax occaſioned the greateſt debate, the circumſtances of Scotland were argued, though with great modeſty and decency on either ſide; and the Engliſh Commiſſioners were ſoon made ſenſible, that, in the preſent circumſtances of Scotland, thoſe duties could not be borne there.

And indeed, they would have been intolerable to the poor, and not only as to the magnitude, but as the manner of taxing them had been particularly oppreſſive to the Scots in their trade.

1. Becauſe they are exorbitant in their rate, being charged not upon the value, but upon the bulk of the commodity; and the goods bearing ſo different a value in Scotland and in England, to put the duty equal, would be to tax the Scots in three times the ſum they are taxed at in England.

For example, the duty upon ſalt is charged by weight in general, and this being calculated in Scotland, would amount to 16s. 4d. ſterling, upon 3s. value, and in England to but 16s. 4d. ſterling, upon 10s. 6d. value, or thereabout; let any man ſtate the proportion, and they will eaſily allow the tax to be intolerable to the Scots; ſince, by the ſame proportion, the Engliſh ought to pay 2l. 17s. 4d. for the ſame quantity of ſalt, or the Scots ought to pay but 4s. 8d. for that which by this tax is rated at 16s. 4d. and the like, though not in ſo great a difference for the malt.

2. The weight of the ſalt tax lies eſpecially on the poor, who in Scotland live very much on ſalt meats, and whoſe differing condition from the Engliſh does not permit, nor cannot bear being taxed at all, much leſs equal to the Engliſh.

Theſe arguments brought the Engliſh Commiſſioners to agree to an exemption for a time; the Scots Commiſſioners inſiſted upon an exemption to perpetuity; but the anſwer of the Engliſh Commiſſioners ſtated in the Minutes of the 13th of May is very clear, and obliged the Scots Commiſſioners to acquieſce.

For

For it could not be thought reaſonable to tie up the hands of the united kingdom for ever, not to lay on ſuch duties or taxes as the circumſtances of trade and of the nation might make reaſonable.

The treaters on both ſides therefore acquieſced in the exemption from the other ſeveral duties during the reſpective terms they were given for; leaving the conſideration of further exemptions to the Britiſh Parliament, what alteration this part received, and upon what conſideration in the Parliament enſuing in Scotland, ſhall appear in its place.—

There was an objection offered here about what duties might be laid on by the very next Parliament of England, which being to ſit almoſt at the ſame time with the Parliament in Scotland, and conſequently before the Union could commence, might alter the ſtate of the preſent duties; and ſo the concluſions might be all to be made over again.

But this was after ſome debate regulated as per the Minutes, by obliging Scotland to raiſe her part of the charge of the year 1707, as uſual, and England her part, each ſeparately and apart, and the ſeveral duties and funds mentioned, were to remain juſt as they ſtood at the time of the treaty.

This, and the quota of the land-tax being brought in together, was readily agreed to on both ſides.

And thus this great difficulty, which was thought the moſt dangerous in the whole treaty, was brought into a very narrow compaſs; for the buſineſs was now only to ſtate the matter of the equivalent, what it ſhould be, and how to be diſpoſed.

What it ſhould be, admitted no long debate; for, as it was a payment of money, nothing but money could be an equivalent to it.

How much it was to be, depended upon matter of fact, and was reſerved to exact calculation from the foot of the cuſtoms and exciſe.

As to the manner how it ſhould be diſpoſed, the Commiſſioners did not adjuſt it at all, ſave in generals, of which hereafter in its courſe.

It has been objected indeed, as an omiſſion in the Commiſſioners, that they did not adjuſt the application of the equivalent in Scotland; but their reaſons were, 1. Becauſe they had a reſpect to the Parliament of Scotland, who were to come after them, and who perhaps might enter farther into that part, and indeed might claim a right, excluſive of all others, to diſpoſe of it.

2. They were not willing to enter upon a thing in which the determination of properties might be entangled, conceiving it did not lie before them to conclude private intereſts, or exclude any, as they might have done, who had reaſon to claim upon old debts, ſome in King James's time, and ſome in King Charles's time, and the like.

3. It was thought this might raiſe objections againſt the Union in people, who,

who, being biaſſed by their intereſt, would oppoſe the general intereſt on their own particular accounts.

It was now that the Union appeared hopeful, and people began to be ſurpriſed at the ſucceſs; the Queen herſelf, pleaſed with the proſpect, came to the meeting, and hearing the Minutes read, expreſſed an extraordinary ſatisfaction in the ſteps taken by the Commiſſioners, and the hopes conceived of bringing this great matter to a happy concluſion.

Thurſday the 23d *of May*, 1706.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following anſwer to the paper delivered by the Lords Commiſſioners for Scotland the 21ſt inſtant, which was read.

The Lords Commiſſioners for England having conſidered the papers delivered by the Lords Commiſſioners for Scotland on the 21ſt inſtant, and being deſirous to remove all difficulties in this treaty, return this anſwer.

That whereas the Lords Commiſſioners for England have already conſented that the kingdom of Scotland be exempted from the whole duty on ſtamped paper, vellum and parchment, till the 1ſt of Auguſt 1710, at which time one part thereof expires; the Lords Commiſſioners for England do now conſent, that the kingdom of Scotland ſhall not be charged with the other part of that duty during the continuance of that duty by any act now in force.

And do agree, it was and is the intent of the Lords Commiſſioners for England, that the kingdom of Scotland be exempted from the payment of the duty laid on cinders, in ſuch manner as the Lords Commiſſioners for England have before agreed, that the kingdom of Scotland be exempted from the payment of the duty on coal and culm.

And as to the ſcheme propoſed by the Lords Commiſſioners for Scotland, for ſecuring, that the duty on ſalt now payable in England, be collected in Scotland after the Union, as to all ſalt exported from that kingdom in kind, or proviſions; the Lords Commiſſioners for England have thought it neceſſary to receive ſome information concerning that matter, from the officers principally concerned in the management of that duty; and until the Lords Commiſſioners for England can be ſatisfied concerning the ſufficiency of theſe, or other methods for the end propoſed, they conceive they cannot properly enter with the Lords Commiſſioners for Scotland on the conſideration of the time, to which the exemption of Scotland from that duty ſhall be limited.

And as to the duty which may be laid on by the Parliament of England, before the meeting of the Parliament of Great Britain, for the ſervice of the year 1707; the Lords Commiſſioners for England do agree, that the kingdom of Scotland ſhall not be charged with thoſe duties, upon this conſideration, that

that the Parliament of Scotland do make the neceſſary proviſion for the public charge and ſervice of the year 1707 in that kingdom, provided, that if the Parliament of England ſhall think fit to lay a further charge on the cuſtoms, or thoſe exciſes, of which the Lords Commiſſioners for Scotland have agreed to bear equal burdens in ſuch caſes; the Lords Commiſſioners for England propoſe the kingdom of Scotland be liable to the ſame cuſtoms and exciſes, having an equivalent to be ſettled by the Parliament of Great Britain: And as to the quota of a land-tax for the kingdom of Scotland, propoſed by the Lords Commiſſioners for Scotland, the Lords Commiſſioners for England do agree, that whenever the ſum of 1,997,763l. 8s. 4½d. ſhall be enacted by the Parliament of Great Britain to be raiſed in England on land, and other things uſually charged in acts of Parliament, for granting an aid to the Crown by land-tax, the kingdom of Scotland ſhall be charged by the ſame act with the further ſum of 48000l. as the quota of that kingdom to ſuch tax, and ſo proportionably for any greater or leſſer ſum raiſed on the kingdom of England by any tax upon land, and other things uſually charged together with the land.

Adjourned to Friday the 24th inſtant, 5 in the evening.

OBSERVATION VII.

It is very remarkable here, that, in the exemptions from ſeveral duties in this treaty, there is a certain limitation only to the act then in force, and to the time for which theſe duties were then laid on.—From whence ſome afterward took occaſion againſt the treaters on the Scots ſide, as if they had thereby tacitly conſented, that thoſe duties ſhould be charged upon Scotland, after the expiration of the time limited.

But they that pleaſe to examine more nicely into this matter will find it quite otherwiſe. The Engliſh Commiſſioners conſenting to an exemption from taxes to the Scots, for as far as the ſeveral duties debated were laid, ſeemed as much as could reaſonably be expected they ſhould agree to; ſince, to have gone farther, had been to abridge the united Parliament that was to follow, and tacitly to acknowledge what was but too frequently ſuggeſted, that they would be partial to the Engliſh, and conſequently might oppreſs the Scots:—This was the true meaning of that part of the anſwer the Engliſh Commiſſioners gave to the Scots paper, May 18, viz. " But if the Lords Commiſſioners for Scot-
" land would extend their propoſal of the 13th to an exemption from all bur-
" dens and exciſes, which the Parliament of Great Britain may hereafter find
" neceſſary to impoſe on the united kingdom; the Lords Commiſſioners for Eng-
" land are of opinion, that it cannot be ſuppoſed the Parliament of Great
" Britain will ever lay any ſort of burdens upon the united kingdom, but what
" they ſhall find of neceſſity at that time, for the preſervation and good of the

" whole; and with due regard to the circumſtances and abilities of every part " of the united kingdom; and to allow of any ſuppoſition to the contrary, would " be to form and ſet up an unanſwerable argument againſt the Union itſelf."

This was very happily foreſeen, and, by this method, prevented; for nothing was more certain than that this very argument would be raiſed; and, in the debating this treaty in Scotland, in the Parliament there, it was one of the great pleas, and thought to be an unanſwerable argument againſt the Union. viz. " That the Parliament of Great Britain might, and would, being biaſſed by " the majority of votes on the Engliſh ſide, lay burdens on Scotland, without " regard to the circumſtances and ability of that part of the united kingdom."— And it would indeed have been an unanſwerable argument, if the Lords Commiſſioners had extended their limitations of taxes beyond the expiration of the acts which were then in being.

Therefore they reſolved to leave it indefinite, only with their conceſſions, as reaſons for, and precedents of future abatements to Scotland; and this the Commiſſioners of Scotland found ſo reaſonable, as that they could not indeed object againſt it.—As to any duties which the Parliament then in being in England, and which were at hand to ſit, viz. in October next following, it was but juſt to tie them up; and the Engliſh Commiſſioners came readily into that:—And thus they went on hand in hand, yielding to one another in every thing which might, without injury, be granted, and which might in the leaſt contribute to the great and main end of the treaty, the Union.

And now, they having Clerks appointed to aſſiſt them in the calculations of the equivalent, which took up a great deal of time, they were obliged to adjourn the affair of funds, taxes, proportion of debts, &c. and go upon other articles in the mean time.

Friday the 24th of May, 1706.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland are very ſenſible of the care, which the Lords Commiſſioners for England have taken to remove difficulties in this important article, concerning common taxes and impoſitions; and their Lordſhips doubt not, that the joint deſires and endeavours of the Lords Commiſſioners for both kingdoms will bring this treaty to a good and ſpeedy concluſion, in every point.

And as to the particulars contained in the anſwer given in by the Lords Commiſſioners for England, the 23d inſtant; the Lords Commiſſioners for Scotland do accept the ſaid anſwer as ſatisfying, as to the exemption of the kingdom

kingdom of Scotland from the duties upon ſtamped paper, vellum, and parchment, and upon cinders; and as to the quota of land-tax for Scotland.

And as to the article concerning the ſalt, the Lords Commiſſioners for Scotland are very well ſatisfied, that the Lords Commiſſioners for England take what time they judge needful for informing themſelves, and preparing the moſt proper methods for ſecuring what their Lordſhips propoſed; the Lords Commiſſioners for Scotland being very ready to concur on their part.

As to the duties which may be laid on by the Parliament of England, before the meeting of the Parliament of Great Britain, the Lords Commiſſioners for Scotland do underſtand, that the ſaid anſwer is intended by the Lords Commiſſioners for England, as an agreement to the propoſal made by the Lords Commiſſioners for Scotland, "That that kingdom might remain exempted from "all other duties laid on by the Parliament of England before the Union, except "thoſe conſented to;" and the Lords Commiſſioners for Scotland do agree, that all neceſſary proviſion ſhall be made within the kingdom of Scotland, for the charge and ſervice of that kingdom, during the time that ſhall intervene, before the meeting of the Parliament of Great Britain.

And whereas the Lords Commiſſioners for England do propoſe, that, if the Parliament of England ſhall think fit to lay a farther charge on the cuſtoms, or thoſe exciſes, of which the Lords Commiſſioners for Scotland have agreed to bear equal burdens, in ſuch caſes, the kingdom of Scotland be liable to the ſame cuſtoms and exciſes, having an equivalent to be ſettled by the Parliament of Great Britain; the Lords Commiſſioners for Scotland do conſent in the terms propoſed.

And ſeeing the adjuſting of the equivalent, and ſettling the endurance of the exemption from the duty on ſalt, may require ſome time, the Lords Commiſſioners for Scotland are ready, either to proceed on theſe matters until they be fully adjuſted, or to enter on the conſideration of the conſtitution of the Parliament of Great Britain; the reſervation of laws and judicatures, or any other remaining head to be treated on, as ſhall be agreed by the Lords Commiſſioners for both kingdoms, while, in the mean time, the Committee is preparing what lies before them.

Adjourned to Saturday the 25th inſtant, at ſix in the evening.

Saturday the 25th of May, 1706.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board their Lordſhips anſwer to the paper delivered by the Lords Commiſſioners for Scotland the 24th inſtant, which was read.

All the matters which have hitherto been under the conſideration of the Commiſſioners for both kingdoms, appearing by the paper delivered by the Lords

Commiſſioners for Scotland, the 24th inſtant, to be adjuſted, except only the determination of the equivalent, and the time for which the exemption of Scotland from the duty on ſalt is to endure (both which things are put into a proper method to be brought to a concluſion), the Lords Commiſſioners for England are ready to receive any further propoſal from the Lords Commiſſioners for Scotland, in order to the bringing this treaty to a ſpeedy and happy concluſion.

Adjourned to Monday the 27th inſtant, at 6 in the evening.

Monday the 27th of May, 1706.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, acquainted the Board that their Lordſhips for Scotland were preparing a propoſal concerning the reſervation of laws and judicatures in Scotland, after the Union, which would be ready to offer to the Board at next meeting.

Adjourned to Wedneſday the 29th inſtant, at ſix in the evening.

Wedneſday the 29th of May, 1706.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board the following propoſal, which was read.

The Lords Commiſſioners for Scotland having already agreed to an equality of cuſtoms and exciſe upon all exiſeable liquors, and to the ſame regulations of trade throughout the whole united kingdom, as a conſequence thereof; their Lordſhips do now agree, that the laws concerning regulation of trade, cuſtoms and exciſe upon all exciſeable liquors, be the ſame in Scotland, after the Union, as in England.

But the Lords Commiſſioners for Scotland do propoſe, that all other laws in uſe within the kingdom of Scotland do, after the Union, and notwithſtanding thereof, remain in the ſame force as before, but alterable by the Parliament of Great Britain, with this difference betwixt the laws concerning public right, policy and government, and thoſe which concern private right, That the laws which concern public right, policy, and government, may be made the ſame throughout the whole united kingdom; but that no alteration be made in the laws which concern private right, except for evident utility of the ſubjects within that part of the united kingdom now called Scotland. And as to the judicatures within Scotland, the Lords Commiſſioners for Scotland do propoſe as followeth:

That the Court of Seſſion, or College of Juſtice, do, after the Union, and notwithſtanding thereof, remain, in all time coming, within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union; ſubject, nevertheleſs, to ſuch regulations for the better adminiſtration of juſtice as ſhall be made by the Parliament of Great Britain.

That the Court of Juſticiary do alſo, after the Union, and notwithſtanding thereof, remain, in all time coming, within Scotland, as it is now conſtituted by

by the laws of that kingdom, and with the ſame authority and privileges as before the Union; ſubject, nevertheleſs, to ſuch regulations as ſhall be made by the Parliament of Great Britain, and without prejudice of other rights of juſticiary.

That all other courts preſently in being within the kingdom of Scotland do remain, but ſubject to alterations by the Parliament of Great Britain; and that all inferior courts, within the ſaid limits, do remain ſubordinate, as they now are, to the ſupreme courts of juſtice within the ſame, in all time coming.

That no cauſes in the kingdom of Scotland be cognizable by the Courts of Chancery, Queen's Bench, Common Pleas, or any other court in Weſtminſter-Hall; and that the ſaid courts, or any others of the like nature, after the Union, ſhall have no power to cognize, review, or alter the acts or ſentences of the judicatures within Scotland, or ſtop the execution of the ſame.

That there be a Court of Exchequer in Scotland after the Union for deciding queſtions concerning the revenues of cuſtoms and exciſes, having the ſame power and authority as the Court of Exchequer has in England; and that the ſaid Court of Exchequer in Scotland have power of paſſing ſignatures, gifts, tutories, and in other things, as the Court of Exchequer at preſent in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be ſettled by the Parliament of Great Britain in that kingdom after the Union.

That after the Union, the Queen's Majeſty and her royal ſucceſſors may continue a Privy Council in Scotland, for preſerving of public order and peace, until the Parliament of Great Britain ſhall think fit to alter it, or eſtabliſh any other effectual method for that end.

That all heretable offices and juriſdictions, and offices or juriſdictions for life, be reſerved to the owners thereof, as right of property, notwithſtanding of this treaty, in the ſame manner as they are now enjoyed by the law of Scotland.

That the rights and privileges of the royal boroughs in Scotland, as they now are, do remain entire after the Union, and notwithſtanding thereof.

Adjourned to Thurſday the 30th inſtant, 6 in the evening.

OBSERVATION VIII.

The reſerve of judicatories in Scotland being now the debate, it is needful only to explain a few things for the information of the reader, as to the nature of thoſe judicatories and reſerves.

It was abſolutely neceſſary to reſerve the laws, courts of juſtice, and civil or criminal judicatories, becauſe the reſpective kingdoms being governed by differing cuſtoms, rights, laws, and methods of juſtice, it would have infinitely embarraſſed the treaty now, and the kingdoms afterward, to have made any alteration:

would have perfectly put a ſtop to all public juſtice for a time, and all the perſons bred to the law in that kingdom, who had changed their laws, would have been rendered unable to practiſe or diſcharge their duty to their clients, &c. and have been, by conſequence, diveſted of their livelihoods; theſe difficulties appearing ſo great, the Engliſh Commiſſioners came readily into it, only with a few reſtrictions. As,

1. "That all laws for the regulating trade, cuſtoms and exciſes be the ſame "in Scotland after the Union as in England:" This was abſolutely neceſſary to be done, though if they ſhould extend the word, to all laws for regulation of trade, it might be run out to difficult extremes, and occaſion an unanſwerable diſpute; but moderately ſpeaking, it was abſolutely neceſſary to prevent the confuſion among officers in collecting the revenue, ſtating and ſettling the cuſtoms and exciſes, which were now to be extended to both countries.

2. Again, it was moſt neceſſary that their other laws ſhould be alterable by the Parliament of Great Britain, otherwiſe this had been to tie up the hands of the future Conſtitution from making neceſſary proviſion againſt whatever inconveniences might happen in the government; and I mention this here, becauſe in the tumultuary clamours raiſed afterwards againſt the treaty, and againſt the treaters, this was one of the great quarrels, That they had given up the laws and conſtitution of Scotland, and had ſubjected them to the arbitrary votes of a Britiſh Parliament; in which it was alledged, the majority being ſo much Engliſh, the Scots could expect nothing but diſadvantage. But it is apparent, and was at the time of the treaty conſidered, that the leaving the laws of Scotland ſubject to alteration by the Britiſh Parliament, ſignified no more than leaving room for the Parliament in caſes of neceſſity, or indeed, on all occaſions, to make laws for Scotland, as ſhould appear needful for the public advantage, always reſerving their general form of law and proceedings of juſtice, as before; and without this, Scotland muſt have been miſerably left without a legiſlature, and have had no opportunitity to have helped herſelf in caſes contingent, or have obtained any more or other laws for the rectification of any of the common abuſes of her government, which it ſeems theſe objectors did not think it worth their while to conſider.

And that this alone was the meaning of theſe words, "Alterable by the Parlia-"ment of Great Britain," and that it was underſtood ſo on both hands, is evident from the very words of the propoſal of the Scots Commiſſioners, when they propoſe the alternative between public and private right,— "with this "difference betwixt the laws concerning public right, policy and government, "and thoſe which concern private right; that the laws which concern public "right, policy and government, may be made the ſame throughout the whole "united kindom; but that no alteration be made in the laws which concern "private

" private right, except for evident utility of the ſubjects within that part of the " united kingdom now called Scotland."

The three next articles do alſo ſtill more evidently confirm this, viz. " That " the Court of Seſſion, or College of Juſtice, do, after the Union, and not- " withſtanding thereof, remain in all time coming within Scotland, as it is now " conſtituted by the laws of that kingdom, and with the ſame authority and pri- " vileges as before the Union; ſubject nevertheleſs, to ſuch regulations for the " better adminiſtration of juſtice, as ſhall be made by the Parliament of Great " Britain.

" That the Court of Juſticiary do alſo, after the Union, and notwithſtanding " thereof, remain in all time coming within Scotland, as it is now conſtituted " by the laws of that kingdom, and with the ſame authority and privileges as " before the Union; ſubject nevertheleſs, to ſuch regulations as ſhall be made " by the Parliament of Great Britain, and without prejudice of other rights " of juſticiary.

" That all other courts preſently in being within the kingdom of Scotland, " do remain, but ſubject to alterations by the Parliament of Great Britain; and " that all inferior courts within the ſaid limits do remain ſubordinate, as they " now are, to the ſupreme courts of juſtice within the ſame, in all time " coming."

Now it was thought moſt irrational to argue, that the laws and conſtitution of juſtice in Scotland was in this treaty given up to the Engliſh; when, as by theſe articles, the courts of juſtice, and the general form of adminiſtration, ſuch as the ſeſſion, juſticiary, and all other courts, were to remain in force for ever, or in all time coming.

And yet, as if this had not been enough to ſecure the Scots from this fear, the Commiſſioners for Scotland form the negative, and in it enter on the particulars, viz. " That no cauſes in the kingdom of Scotland be cognizable by " the Courts of Chancery, Queen's Bench, Common Pleas, or any other courts " in Weſtminſter Hall, and that the ſaid courts, or any other of the like " nature, after the Union, ſhall have no power to cognize, review, or alter the " acts or ſentences of the judicatures within Scotland, or ſtop the execution of " the ſame."

The Privy Council indeed was left to the Queen to diſſolve or continue, as her Majeſty might ſee cauſe;—but that was by the treaty ſubject to Parliamentary determination; and how the Queen referred it to the Parliament, will appear in its courſe.

Nay, the treaters were ſo tender of this general invading the particulars, that they took care to exempt private juriſdictions and properties from the power

or cognizance of Parliament, which is what is not done in England, and which it has been thought, even in Scotland too, had been better left to the Parliament, in time, to have diſſolved, givingſ atisfaction to the parties concerned; I mean ſuch as heretable offices, juriſdictions for life, &c.

All theſe proviſions were ſo exactly ſtated, and ſo forcible in themſelves, and the Scots Commiſſioners had ſo ſhown both their capacity in the affairs of Scotland, and their candour in reſpect to Union, in the great affair before them, that the Engliſh Commiſſioners made no objection, but agreed to it, as they, the Scots Commiſſioners, had brought it in, without any amendment.

And this formed the 18th, 19th, 20th, and 21ſt articles of the Union, which were ſo clearly digeſted, that they admitted little or no debate afterwards in the Parliament of Scotland, where all the reſt paſſed the ſtricteſt ſcrutiny, and almoſt a fiery trial.

Thurſday the 30th of May, 1706.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following anſwer to the propoſal made by the Lords Commiſſioners for Scotland the 29th inſtant, which was read.

The Lords Commiſſioners for England having conſidered the ſeveral propoſals contained in the paper delivered the 29th inſtant, by the Lords Commiſſioners for Scotland, and being extremely deſirous to bring this treaty to a ſpeedy and happy concluſion, do agree to the ſame, reſerving ſtill the conſideration of the Courts of Admiralty of Scotland to the further progreſs of this treaty.

Adjourned to Saturday the 1ſt of June, 1706, 6 in the evening.

Saturday the 1ſt of June, 1706.

The Lord Keeper, in name of the Lords Commiſſioners for England, acquainted the Board, that their Lordſhips for England were preparing ſome propoſals, which would be ready to offer to the Board at the next meeting.

Adjourned to Wedneſday the 5th inſtant, ſix in the evening.

Wedneſday the 5th of June, 1706.

The Lord Treaſurer, in name of the Lords Commiſſioners for England, delivered to the Board the following anſwer to the propoſal offered by the Lords Commiſſioners for Scotland the 21ſt of May paſt, which was read.

The Lords Commiſſioners for England having taken into conſideration the propoſals delivered in to them the 21ſt day of May laſt by the Lords Commiſſioners for Scotland, for the effectual preventing the exportation of Scots ſalt to England or the Plantations, without paying the ſame exciſes with which Engliſh ſalt is charged, during the exemption allowed to Scotland from the ſaid duty, do give the following anſwer to the ſeveral propoſals therein.

1. As to the firſt article of the ſaid propoſal, viz. that no ſalt be tranſported

from Scotland to England by land under the penalty of forfeiting the ſalt, and the horſes uſed in tranſporting it, and paying ten ſhillings for every buſhel of ſalt ſo tranſported, for which the carriers, as well as the owner, ſhall be liable conjunctly and ſeverally, and the carrier be impriſoned until the ſaid penalty be paid.

The Lords Commiſſioners for England do agree to the ſame with the alterations following, viz. that no ſalt be tranſported from Scotland to England by land in any manner whatſoever, under the penalty of forfeiting the ſalt, and the cattle and carriages made uſe of in tranſporting it, and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionable for a greater or leſſer quantity, for which the carrier, as well as the owner, ſhall be liable conjunctly and ſeverally, and the perſons carrying the ſame to be impriſoned by any one juſtice of the peace by the ſpace of ſix months, without bail or main-prize, and until the penalty be paid.

2. As to the ſecond article relating to ſalt water-borne, to be carried from port to port in Scotland, and ſalt exported from Scotland to England or the Plantations:

The Lords Commiſſioners for England, as to that part of it which relates to ſalt water-borne, to be carried from port to port in Scotland, do agree to the ſame.

And as to that part of the ſaid propoſal which relates to ſalt exported from Scotland to England by ſea, the Lords Commiſſioners for England do propoſe, that there ſhall be paid in England, for all ſalt made in Scotland, and imported from thence into England, the ſame duty upon the importation as ſhall be paid for ſalt made in England, to be levied and ſecured in the ſame manner as the duties on foreign ſalt are to be levied and ſecured in England; and if any other ſalt which is not made in Scotland, ſhall be imported from thence into England, the ſame to be charged with the duties on foreign ſalt imported into England, to be levied and ſecured in the ſame manner.

And as to the laſt part of the ſaid article relating to ſalt exported from Scotland to the Plantations:

The Lords Commiſſioners for England do not inſiſt that any duty ought to be paid for the ſame, or for ſalt exported from Scotland to any other foreign place whatſoever, in regard, that upon the exportation of ſalt from England to the Plantations, or any other foreign parts, the duty before paid for the ſame, is to be repaid.

3. And as to that part of the laſt article of the ſaid propoſal, which relates to ſalted fiſh exported from Scotland into England:

The Lords Commiſſioners for England do propoſe, that for all ſuch fiſh there ſhall be paid in England, upon the importation thereof, ſuch ſums of

money as by the law relating to the duties upon ſalt in England are allowed, and re-paid to the exporter thereof upon exportation of the like fiſh from England to foreign parts, in regard all ſalt uſed in fiſh cured and conſumed in England is liable to duties of the ſame value; and in caſe the ſaid fiſh ſhall be re-exported from England, the duties paid for the ſame, upon importation thereof, ſhall be re-paid.

And as to all ſalted fiſh exported from Scotland to any other place, the Lords Commiſſioners for England do not inſiſt that any duty ſhall be paid in Scotland for the ſalt uſed therein, in regard, upon the exportation of ſuch fiſh from England to any foreign parts, the exporter thereof hath an allowance out of the duties on ſalt, of ſo much money as the duty of the ſalt uſed in curing ſuch fiſh amounts to.

And as to that part of the ſaid article which relates to ſalted fleſh exported from Scotland, in regard all ſalted fleſh conſumed in England, or made uſe of for victualling of ſhips there, or exported from England to parts beyond the ſeas, is cured with ſalt, for which the duty on ſalt is paid in England, and not re-paid upon exportation of any ſuch fleſh from England, and there being ſo much ſalt uſed in the curing one hundred weight of fleſh (each hundred weight being computed at one hundred and twelve pound weight) as the duty thereof payable in England amounts to two ſhillings:

The Lords Commiſſioners for England do propoſe, that there be paid in England, upon the importation of every ſuch hundred weight of fleſh from Scotland, two ſhillings; and that before ſuch fleſh is ſo exported from Scotland, an entry be made at the cuſtom-houſe of the port of exportation in Scotland, of the quantity of fleſh ſo to be exported, and the port in England for which the ſame is bound, and ſecurity given by bond to her Majeſty, at the ſaid port of exportation in Scotland, that the ſaid fleſh ſhall be landed at the port in England for which the ſame ſhall be ſo entered, or at ſome other port in England, the danger of the ſeas and enemies excepted; which bond ſhall be delivered up upon producing a certificate from the collectors or officers of the cuſtoms of the port of importation in England, that ſuch fleſh was landed and left at the ſaid port. And that the duty of two ſhillings be paid in Scotland for all ſalted fleſh made uſe of for victualling of ſhips there, or exported from thence to any other parts beſides England: and that no ſalted fleſh be brought into England from Scotland by land, under the penalty of forfeiting the ſame, or the value thereof, and the cattle and carriages employed in carrying thereof, and of the like impriſonment as they have before propoſed, in caſe of ſalt brought from Scotland to England by land.

And if any frauds ſhall hereafter appear, which are not ſufficiently provided againſt by the foregoing propoſals, the Lords Commiſſioners for England do

propoſe, the ſame ſhall be ſubject to ſuch further proviſions as ſhall be thought fit by the Parliament of Great Britain.

And whereas the Lords Commiſſioners for England did, in their paper delivered the 15th of May laſt paſt, conſent, that the kingdom of Scotland ſhould, for a competent time, remain exempted from payment of the duty on ſalt, for all the ſalt ſpent in kind, or uſed in proviſions ſpent within that kingdom: the Lords Commiſſioners for England do now propoſe, that the kingdom of Scotland ſhall remain exempt from payment of that duty for all ſalt ſpent in kind, or uſed in proviſions within the ſaid kingdom, for the term of ſeven years after the Union, upon the Lords Commiſſioners for Scotland agreeing to the propoſals abovementioned.

The Lord Treaſurer, in name of the Lords Commiſſioners for England, alſo delivered to the Board the following pro poſal, which was read.

That all admiralty juriſdiction be under the Lord High Admiral of Great Britain, or Commiſſioners for the Admiralty of Great Britain for the time being; and that appeals from the High Court of Admiralty of Great Britain to be to the Queen, in the ſame manner as is now ſettled in England.

Adjourned to Friday the 7th inſtant, 6 in the evening.

Friday the 7th *of June*, 1706.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the propoſal contained in the anſwer delivered by the Lords Commiſſioners for England the 5th inſtant, concerning the effectual preventing the exportation of Scots ſalt from Scotland to England, without paying the ſame exciſes with which the Engliſh ſalt is charged during the exemption allowed to Scotland from the ſaid duty, with the following alterations:

1. As to that part of the ſecond article, viz. that if any ſalt which is not made in Scotland ſhall be imported to England from thence, the ſame to be charged with the duties of foreign ſalt imported into England, to be levied and ſecured in the ſame manner: The Lords Commiſſioners for Scotland do underſtand, that it is not the meaning of the Lords Commiſſioners for England, by the ſaid propoſal, to lay a double duty on foreign ſalt, exported from Scotland to England, once to be exacted at importation of the ſaid ſalt into Scotland, and the like duty at the importation into England from Scotland, but that the foreign ſalt imported into Scotland be charged, at the importation there, with the ſame duties after the Union, as the like ſalt is charged with, being imported into England, to be levied and ſecured in the ſame manner: and for further ſecurity in that caſe, the Lords Commiſſioners for Scotland do propoſe, that certificates be ſent with foreign ſalt, exported from Scotland into

England, from the Cuſtom-Office in Scotland, where the ſaid foreign ſalt was firſt imported, to the Cuſtom-Office in England, where the ſaid ſalt ſhall happen to be tranſported, bearing the payment of, or ſecurity given for the duties at the ſaid port, under this penalty, that foreign ſalt exported from Scotland into England without ſuch certificates, ſhall be confiſcated.

2. As to the third article relating to ſalted fiſh or fleſh, exported from Scotland into England, and ſalted fleſh made uſe of for victualling of ſhips in Scotland, or exported from Scotland to parts beyond the ſeas: the Lords Commiſſioners for Scotland do apprehend, that the ſaid articles do only concern ſuch fiſh and fleſh as is cured in whole or in part with Scots ſalt, there being an obvious difference betwixt the caſe of theſe, and of ſuch fiſh and fleſh, exported from Scotland to England, as is wholly cured with foreign ſalt, in regard that foreign ſalt is to pay the like duty as in England at importation into Scotland, and therefore ought not to pay a ſecond duty.

And the Lords Commiſſioners for Scotland do propoſe, that if the duty on ſalt take place in Scotland, after the expiration of ſeven years, during which time the exemption is agreed to, that then the kingdom of Scotland ſhall have an equivalent.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following propoſal, which was read.

The Lords Commiſſioners for England being extremely deſirous to come to a ſpeedy concluſion of the preſent treaty, for an Union of the two kingdoms, and it having been already agreed, that the united kingdom be repreſented by one and the ſame Parliament; their Lordſhips have turned their thoughts to conſider what may be a proper and reaſonable number for the Repreſentative of Scotland in the Houſe of Commons of the united Parliament; and do propoſe to the Lords Commiſſioners for Scotland, that thirty-eight perſons be the number by which that part of the united kingdom, now called Scotland, ſhall be repreſented in the Houſe of Commons, whenever a Parliament ſhall be called in Great Britain.

Adjourned to Tueſday the 11th inſtant, 6 in the evening.

Tueſday the 11th *of June*, 1706.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following anſwer to the propoſal made by the Lords Commiſſioners for England on the 5th inſtant, which was read.

The Lords Commiſſioners for Scotland, in anſwer to the propoſal delivered by the Lords Commiſſioners for England on the 5th inſtant, concerning the Admiralty, do agree that all Admiralty juriſdiction be under the Lord High Admiral of Great Britain, or Commiſſioners of Admiralty of Great Britain for

for the time being; and as to that part of the ſaid propoſal, which concerns appeals from the High Court of Admiralty, the Lords Commiſſioners for Scotland do propoſe,

That the Court of Admiralty now eſtabliſhed in Scotland be continued, and that all reviews, reductions, or ſuſpenſions of their ſentences in maritime caſes, competent to their juriſdiction, remain in the ſame manner after the Union, as now in Scotland, until the Parliament of Great Britain ſhall make ſuch regulations and alterations as ſhall be judged expedient for the whole united kingdom, providing there be always continued in Scotland a Court of Admiralty, ſuch as is in England, for determination of all maritime caſes relating to private right in Scotland, competent to the juriſdiction of the Admiralty Court.

And the Lords Commiſſioners for Scotland do further propoſe, that the heretable rights of Admiralty and Vice Admiralties be reſerved to the reſpective proprietors, as rights of property.

The Lord Chancellor did alſo, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland having conſidered the propoſal made by the Lords Commiſſioners for England the 7th inſtant, viz. that thirty-eight perſons be the number, by which that part of the united kingdom, now called Scotland, ſhall be repreſented in the Houſe of Commons, whenever a Parliament ſhall be called in Great Britain; do find ſuch difficulties in that matter, that they are under a neceſſity to propoſe a conference betwixt the Lords Commiſſioners for both kingdoms on that ſubject, in which their Lordſhips doubt not, but to ſatisfy the Lords Commiſſioners for England, that a greater number than is mentioned in the ſaid propoſal will be neceſſary for attaining the happy Union of the two kingdoms, ſo much deſired on both ſides; and the Lords Commiſſioners for Scotland are willing now to enter on the ſaid conference, or when the Lords Commiſſioners for England will pleaſe to appoint.

The Lords Commiſſioners for England withdrew, and being returned, the Lord Keeper acquainted the Board, that the Lords Commiſſioners for England do agree to a conference with the Lords Commiſſioners for Scotland, upon the ſubject contained in the paper delivered by the Lords Commiſſioners for Scotland, at this meeting, and that the ſaid conference be the morrow at ſix o'clock in the afternoon.

Adjourned to Wedneſday the 12th inſtant, 6 in the evening.

Wedneſday the 12th *of June*, 1706.

The Lords Commiſſioners of both ſides entered upon the conference deſired by the Lords Commiſſioners for Scotland the 11th inſtant, concerning the Repreſentative

preſentative for Scotland in the Houſe of Commons, in the united Parliament of Great Britain, and the conference being over.

Adjourned to Friday the 14th inſtant, 6 in the evening.

Friday the 14th *of June*, 1706.

The Earl of Mar, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following anſwer to the propoſal made by the Lords Commiſſionerers for England the 7th inſtant, which was read.

The Lords Commiſſioners for Scotland having conſidered the propoſal delivered by the Lords Commiſſioners for England on the 7th inſtant, with the conference that followed on the ſubject of that propoſal; their Lordſhips are hopeful, that the Lords Commiſſioners for England are convinced of the real difficulties occurring in that matter on the part of Scotland; and the Lords Commiſſioners for Scotland do find themſelves ſtill under an abſolute neceſſity, for bringing to a happy concluſion the Union of the two kingdoms, to inſiſt, that a greater number than that of thirty-eight be agreed to, as the Repreſentative for Scotland in the Houſe of Commons in a Parliament of Great Britain.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following anſwer to the propoſal made by the Lords Commiſſioners for Scotland the 11th inſtant, which was read.

The Lords Commiſſioners for England having conſidered the paper delivered in by the Lords Commiſſioners for Scotland on the 11th inſtant, concerning Admiralty juriſdiction, do agree to the firſt propoſal therein contained, with this addition,

That the Admiralty Court propoſed to be continued in Scotland after the Union, ſhall be ſubject to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain.

The Lords Commiſſioners for England do likewiſe agree to the ſecond propoſal in the ſaid paper contained, touching heretable rights of Admiralty and Vice-Admiralties in Scotland, with this proviſion, viz.

That theſe heretable rights, as to the manner of exerciſing the ſame, ſhall be ſubject to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain.

Adjourned to Saturday the 15th inſtant, one o'clock.

OBSERVATION IX.

There were ſome debates, and a little time ſpent about the matter of the Admiralty, but it was ſoon adjuſted, and needs no remark on it; only as to the matter of appeals to England, which however were found neceſſary, and agreed to with ſome little trouble.

But here had like to have happened a difficulty about appeals in cauſes of private

private right in Scotland:—before the Union, appeals in law lay from the Lords of Seſſion to the Parliament; and the Houſe of Peers of Great Britain being now to be the ſovereign judicature of Great Britain, there could be no appeals but to them in Parliament: This it was thought would be a grievance, by reaſon of the diſtance of place, the expence of travelling, and the charge of proſecuting thoſe trials at the Bar of the Houſe of Peers.

It was objected, that the Scots Peers could not be allowed to vote in matters of judicature, either in civil or criminal caſes in England; and they gave a ſeeming ſubſtantial reaſon for it, viz. that the Scots reſerving their judicature, ſeſſion and juſticiary to themſelves, in which the Engliſh have no voice, it would be unreaſonable to deſire the Scots ſhould be let into that in England, which is reſerved from the Engliſh in Scotland.

But to this it was anſwered,

" The Lords in England, as Peers aſſembled in Parliament, as they were be-
" fore the ſovereign judicature of England, would after the Union be, together
" with the ſixteen Scots Peers, the only ſovereign judicature of Britain, and have
" their voices in the judicature of Scotland, as well as of England; if this be
" made out, then the objection againſt the Scots noblemen voting in judicial
" matters in England, would by conſequence fall to the ground."

The judicature of the Lords conſiſts in their trying their own members for life, and in determining the proceedings of all the other courts of juſtice in the nation; an appeal going to them from all other judicatures whatſoever, whether before or after judgment.

In trials of Peers, 'tis plain, by this Union the Engliſh Lords will have a vote in the Scots judicature, ſince they will have the power to try all the Scots Peers for their lives or otherwiſe, in any caſe wherein they ſhall become obnoxious to the law.

And as to appeals, it was therefore abſolutely neceſſary they ſhould lie before the Houſe of Lords, they being the only ſupreme judicature; and to have had appeals before any other, had been to have two ſupremes, unleſs commiſſioned by them; and if commiſſioned by them and made certain, they had been too inferior, and alſo not to be depended upon in matters of ſuch moment. To ſolve this difficulty, a ſhort ſcheme was handed about for the regulating that point, ſo as to veſt the whole authority of the law judicially in the Britiſh Peers in Parliament, and ſettle the eſſential part in them, without nevertheleſs impoſing the trouble upon the Scots of coming up with their cauſes to the Lords Bar, which would be intolerable.

The ſcheme was as follows:

The Scots have now an appeal from the Lords of Seſſion, which are their judges of aſſize, or whatever elſe they may call them.

This

This right of appeal muſt not die, though the Parliament before whom it lies is diſſolved, but muſt devolve upon that power, to which as the center of the whole, their Parliament devolves, viz. the Parliament of Britain; otherwiſe, ſhould the right of appeal die, which is one article of the Scots claim of right, they endanger their property, and may upon a thouſand not unlikely circumſtances revert to tyrannic power, and even a Parliament may not help them.

The right of appeal being not diſſolved, but transferred to the general center of power, where, or on which branch of that power muſt it reſide? not in the Commons; that would be to make them a court of judicature, which they do not pretend to, and cannot by their conſtitution accept.

Not to the ſelect number of Scots repreſentatives; that would be to give them more power than the Engliſh repreſentatives; one having a judicial authority, the other not.

Not to a number choſen by the Scots, that would be a new creation, and be a reſerve of ſome power ſuperior even to the general ſupreme power of Parliament, and many ways give umbrage of a poſſibility of return to a ſeparate conſtitution, which would be really inconſiſtent with a national incorporated Union, and capable of keeping on foot continual jealouſies, complaints, and diſcontents among us, and might ſome time or other break out into a rupture again, and unravel the very Union itſelf.

To regulate this, we muſt fly to one general maxim, which we muſt adhere cloſely to in all matters of this diſpute, viz. That the great center of power whether civil or criminal is, and is to be lodged in the Parliament then to be called the Parliament of Great Britain.

The judicial power in Scotland is immediately in the ſeſſion, as it is in England in the judges; the Lords of the Seſſion in Scotland, as the judges in England, receive their commiſſions from the Sovereign, and in her name, and by her authority; though by ſpecial law obtained in both kingdoms, they are ſo fixed as that they cannot be turned out but upon miſbehaviour.

From the ſeſſion in Scotland, and all acts, ſentences or decreets, there lies an appeal to the Parliament, who ſitting in one Houſe are the ſovereign judicature of the nation, as well Commons as Lords: from the Judges in England appeals lie to the Chancery, and from thence to the Houſe of Lords as the ſupreme judicature of this nation.

But both Parliaments being to be incorporated into one, as both nations by conſequence will be one, ſo the public juſtice muſt run in the ſame channel, and the appeals of both kingdoms lie before the Britiſh Peers only, as that ſovereign ocean of juſtice into which all the ſtreams muſt flow.

But to the end that Scotland may, as far as may be, eaſed in that inconveniency, which her diſtance from the capital may bring upon her, and in which ſhe ſuf-

fers otherways deeply enough, appeals from the courts of juſtice in Scotland, may be tried in Scotland.

A Court of Appeals may be erected in Scotland, delegated from the Peers of Britain aſſembled in Parliament, to be named annually or triennially, or every ſeſſion, or otherwiſe, as in the treaty of Union ſhall be agreed.

Theſe delegates to be named out of the Scots nobility and gentry, to be choſen by ballot, or by the uſual way of voting in the Houſe of Peers.

That they ſhould be Scots is but equal, as they are only to judge of cauſes in Scotland, and is agreeable to the conſtitution of England, which cauſes all trials at law to be tried in the county where the party dwells, and to be determined by a jury of the freeholders or inhabitants of that particular county, and of no other.

And yet this does no way leſſen the authority of the Parliament, but preſerves the title of the Lords here to a voice even in the ſupreme judicature of Scotland.

This ſcheme, as it entitles the Parliament of united Britain to its full and compleat juriſdiction; ſo it preſerves the right of appeal to the Scots; prevents the expenſive proceedings of carrying their appeals to England, and takes away all the force of the objection againſt the Scots noblemen having a voice in the Engliſh judicature.

Thus the Union, in point of judicature, may ſtill be compleat, and the general incorporation not at all obſtructed; the courſe of juſtice left free and open, and both nations equally concerned in it.

The Engliſh Peers are let into the ſovereignty of the Scots judicature, as well as of their own; and the Scots let into all the neceſſary privileges, which the right of their peerage, and the nature of an incorporated equality requires.

There were reaſons to be given why this propoſal was not farther entered upon, though both ſides approved of the method, ſome of which were perhaps ſuch as theſe.

1. That one ſide were willing enough to have all appeals come to England.

2. Others willing to have as few as poſſible made at all; and ſuppoſing that the inconveniencies of purſuing an appeal to England would incline people rather to aquieſce; and make the judgment of the Seſſion more definite.—But theſe things by the way.

Saturday the 15th of June, 1706.

The Earl of Mar, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following anſwer to the paper delivered by the Lords Commiſſioners for England, the 14th inſtant, which was read.

The Lords Commiſſioners for Scotland, having conſidered the paper delivered by the Lords Commiſſioners for England, on the 14th inſtant, concerning Admiralty juriſdictions, do agree to the ſame.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England, having taken into conſideration the reply delivered the 7th inſtant, by the Lords Commiſſioners for Scotland, to the anſwer of the Lords Commiſſioners for England to the propoſal made by the Lords Commiſſioners for Scotland the 21ſt May laſt, for the effectual preventing the exportation of Scotch ſalt to England, or the Plantations, without paying the ſame exciſes with which Engliſh ſalt is charged, during the exemption allowed to Scotland from the ſaid duties, and as to ſalted proviſions:

As to that parts of the reply which relates to the ſecond article in the ſaid anſwer, concerning ſalt not made in Scotland, imported from thence into England; the Lords Commiſſioners for England did not intend, that a double duty ſhould be laid on foreign ſalt exported from Scotland to England; and therefore the Lords Commiſſioners for England do agree to the propoſal in the ſaid reply, that all foreign ſalt, imported into Scotland, be charged at the importation there with the ſame duties, after the Union, as the like ſalt is charged with, being imported into England, to be levied and ſecured in the ſame manner, and to the farther ſecurity, by certificate therein propoſed, to be ſent with foreign ſalt exported from Scotland into England.

And as to that part of the ſaid reply, which relates to the third article in the ſaid anſwer, touching ſalted fiſh or fleſh exported from Scotland into England, and ſalted fleſh made uſe of for victualling of ſhips in Scotland, or exported from Scotland to parts beyond the ſeas; it appearing by the ſaid propoſal delivered by the Lords Commiſſioners for Scotland the 21ſt May laſt, that all fiſh and fleſh barrelled in Scotland, for exportation, are, by the law of Scotland, appointed to be packed and cured with foreign ſalt, without any mixture of Scots ſalt, the Lords Commiſſioners for England do not inſiſt on the ſaid third article in their ſaid anſwer, provided it be agreed, that all ſalted fiſh or fleſh, exported from Scotland to England, and all ſalted fleſh made uſe of for victualling of ſhips in Scotland, or put on board, to be exported from Scotland to parts beyond the ſeas, that ſhall appear to be ſalted with Scots ſalt, or a mixture of ſuch ſalt, ſhall be forfeited, and as ſuch may be ſeized in England or Scotland.

As to the laſt part of the propoſal of the Lords Commiſſioners for Scotland, that, if the duty on ſalt take place in Scotland, after the expiration of ſeven years, that then the kingdom of Scotland ſhall have an equivalent; the Lords Commiſſioners for England do underſtand, that the equivalent is only to be extended to ſuch part of the duties as ſhall be applied to the payment of the debts of England.

The

The Lord Keeper did alſo, in the name of the Lords Commiſſioners for England, deliver to the Board the following propoſal, which was read.

The Lords Commiſſioners for England, being aſſured by the Lords Commiſſioners for Scotland, that there will be found inſuperable difficulties in reducing the repreſentation of Scotland, in the Houſe of Commons of the united kingdom, to thirty-eight members, the number formerly propoſed by the Lords Commiſſioners for England, do, to ſhew their inclinations to remove every thing that would of neceſſity be an obſtruction to the perfecting the Union of the two kingdoms, propoſe to the Lords Commiſſioners for Scotland, that forty-five members, and no more, be the number of the repreſentatives for that part of the united kingdom now called Scotland, in the Houſe of Commons of the united kingdom, after the intended Union.

And there being an abſolute neceſſity that the number of Peers to be admitted into the Houſe of Lords of the united kingdom, for that part of the united kingdom now called Scotland, be regulated in proportion to the number to be admitted into the Houſe of Commons; do propoſe, that ſixteen Peers be the quota of Scotland in the Houſe of Peers of the Parliament of the united kingdom, after the intended Union.

Adjourned to Tueſday the 18th inſtant, 6 in the evening.

Tueſday the 18th of June, 1706.

The Earl of Mar, in the name of the Lords Commiſſioners for Scotland, delivered to the Board the following anſwer to the propoſal made by the Lords Commiſſioners for England the 15th inſtant, which was read.

The Lords Commiſſioners for Scotland having conſidered the paper delivered by the Lords Commiſſioners for England the 15th inſtant, containing a propoſal that forty-five members be the number of the repreſentatives of that part of the united kingdom now called Scotland, in the Houſe of Commons of the united kingdom, after the intended Union; and that ſixteen Peers be the quota of Scotland in the Houſe of Peers, in the Parliament of the ſaid united kingdom: and being moſt deſirous to concur in what is further neceſſary to finiſh this treaty, and at the ſame time ſenſible of the difficulties on the part of the Lords Commiſſioners for England in that matter, do not inſiſt for greater numbers (by virtue of this treaty) of repreſentatives in the Houſe of Peers and the Houſe of Commons in the Parliament of Great Britain, than theſe propoſed by the Lords Commiſſioners for England; providing that all the Peers of Scotland, and their ſucceſſors to their honours and dignities, be, from and after the Union, reckoned and declared Peers of Great-Britain, and that they enjoy, in their reſpective degrees and orders, all other titles, dignities, pre-

eminencies, immunities and privileges whatſoever, as fully and freely as the Peers of England do at preſent, or the Peers of Britain may enjoy hereafter.

And the Lords Commiſſioners for Scotland do further propoſe, that the Peers of Scotland for that time being, and their ſucceſſors, do, at and after the Union, according to their different degrees and orders, enjoy the rank and precedency of all Peers to be thereafter created of the like orders and degrees in the ſaid united kingdom.

Adjourned to the 19th inſtant, 12 o'clock.

OBSERVATION X.

There was now the only remaining difficulty of the Union before them, and this was the conſequence of the third article, viz. "The uniting the Parliament;" and how to ſtate the proportion of the repreſentative was the preſent caſe.

The difficulty was double, not only how to draw the proportion ſo as might conſiſt with the equalities ſpoken of before, which were the foot or rule of the treaty, but how to draw it ſo, as that either Parliament, who were to confirm this work, ſhould be rationally ſuppoſed to come into it.

Abundance of ſchemes were propoſed for this, as men's fancies guided them, and the debates without doors were much warmer than thoſe within; however, as it was a thing which required particular application, ſo it was the beſt ſtep that could have been taken, by way of preliminary, to propoſe a conference, wherein both ſides had full ſcope to deliver their arguments and reaſons in the caſe; ſince, to have gone on by propoſals and anſwers in writing, would have taken up more time than was needful to be ſpent in ſuch an affair, and have kept it depending; whereas both ſides were pleaſed with the hopes, and both the kingdoms big with expectation of the ſucceſs of this treaty, and the concluſion of the long-expected Union.

There was no occaſion to look far back into former years for help in this calculation; there was but one precedent in the whole world from which any ſcheme could be drawn, and that was in the tranſient Union made by Oliver Cromwell; in which, as I have noted before, he brought every thing by a ſcale of proportions to a point, as things then ſtood.

This model of a repreſentative was taken from the ſcheme of proportions, upon which he had formed his taxation, in which Scotland being rated at about a 13th part of the land tax, had alſo allowed her about a 13th part of the repreſentative, as follows:

England was taxed at 70,000l. per menſem, and was repreſented in Parliament by 400 members.

Scotland

Scotland was taxed at 6,000l. per menſem, and was repreſented in Parliament by 30 members.

Now abating a few fractions, which, in dividing perſons, cannot be exactly obſerved, it is plain, 30 to 400, is very near what 6,000l. is to 70,000l. as follows:

Thirteen times 30 is 390 members, and 13 times 6000l. is 78,000l. whereas one is 8,000l. over in the money, ſo the other is 10 under the repreſentative.

I will not ſay this was the moſt equal judgment that ever was made of this kind as to Sotland; but I may be allowed to ſay, that with reſpect to England it was certainly the moſt equal diſtribution of elections that ever was, and much beyond our preſent method; for in this ſcheme the diſproportion of numbers was taken away, and the election of members to repreſent ruined heaps, decayed caſtles, and depopulated towns, was let fall: but of this by the way,

The preſent calculation was not very remote from this, in effect, though not built upon the ſame foot: and it was very rationally argued here, that the proportion could not be taken barely from the ſhare of taxes paid, which was the ſcheme which moſt of the politicians of that time pretended to go upon; but that the proportion moſt be doubly calculated; which, if it be examined, and were to be applied in Holland, and other parts of the world, muſt have been done.

For inſtance, The ſhare in taxes,—and the number of the people.

If, on one hand, the ſhare of taxes may be low, yet the number of people great; or, on the other hand, the ſhare of taxes high, and the people few, the extremes are to bear their weight in the proportion.

Thus, though the Scots, by this Union, paid but 48,000l. for Scotland to 1,997,000l. Engliſh, which was about $\frac{1}{40}$ part, forty times 48,000l. being 1,920,000l. to have argued from thence, that they ſhould have but thirteen members, which, to the Houſe of Commons, is $\frac{1}{39}$ $\frac{6}{11}$ part of 513:—This would appear ridiculous.

Again, if you take an eſtimate of the people of both nations, we ſhall find Scotland eſteemed to contain two millions, and England, at the higheſt calculation, under ſix; and this brings Scotland to a third part of the members, which would be extravagant the other way, and oblige them to ſend 171 members to the Houſe.

But, if you ſet theſe extremes againſt one another, it will appear that a tenth of the repreſentative anſwered as nigh to an equality, as ſuch a thing could well be reduced to; and, on this foot, the Scots Commiſſioners were ſuppoſed to be near the matter, when they deſired fifty members might be the repreſentative for Scotland.

However

However this was, the Engliſh Commiſſioners having propoſed thirty-eight, as by the minutes, a conference was agreed to.

And here the Commiſſioners ſincerely and candidly applied themſelves to one another, debating not only the reaſons and proportions on either hand, but the temper and circumſtances of either nation; ſo, if poſſible, to accomodate themſelves to both; and to conſider not only what was equal, but alſo what was likely to take place in the minds of the reſpective Parliaments, which were to debate it after them; of which none knew the difficulties better than themſelves. Neither were theſe things fit to have been the ſubject of minutes, which, in time, were to be ſuppoſed, would be made public, and be canvaſſed, on either ſide, by the moſt critical heads of two nations, and particularly by thoſe, in both the nations, whoſe ſtudy it would be, to oppoſe and obſtruct the Union.

And indeed, in this prudence of the Commiſſioners conſiſted the beſt proſpect of bringing this treaty to a happy concluſion.

The conference was happy in its ſucceſs; the Engliſh Commiſſioners were convinced by the reaſons given on the other ſide; they ſaw the difficulties which the Scots Commiſſioners repreſented lay before them; and regarding the end of their meeting, which was to contribute, as much as in them lay, to unite the two kingdoms, they advanced their number to forty-five, and gave their reaſons and difficulties, on the other hand, poſitively determining the point, that they could go no farther: upon which, the Scots Commiſſioners, from the ſame zeal for bringing the treaty, which was now in ſo happy a forwardneſs, to a concluſion, acquieſced.

As to the number of Peers, there was no room to debate, ſince the number propoſed, which was ſixteen, was a full proportion to the other, and had more of an equality in it a great deal, than any other part of the treaty; eſpecially conſidering, that ſeveral of the Scots Peers then were Peers of England, and hereafter might become Peers of Great Britain by creation.

And thus this great difficulty was alſo happily got over, and now the Union began to ſhew itſelf, and people on every hand began to expect it ſhould be compleated in a few days.

Wedneſday the 19th of June, 1706.

The Lord Treaſurer, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England, having conſidered the two propoſals made by the Lords Commiſſioners for Scotland, in their paper delivered the 18th inſtant, do agree to the ſame, with the following explanation, that all the Peers of Scotland, and their ſucceſſors to their honours and dignities, be, from and after the Union, reckoned and declared Peers of Great Britain, and that they enjoy, in their reſpective degrees and orders, all other titles, dignities, pre-

pre-eminencies, immunities, and privileges whatſoever, as fully and freely as the Peers of England do at preſent, or the Peers of Britain may enjoy hereafter; provided, that no Peer, who ſhall not then have the right to ſit in Parliament, ſhall be capable of ſitting upon the trial of any Peer; and alſo, that no Peer, not having right to ſit in Parliament, ſhall have privilege of Parliament.

And alſo, that the Peers of Scotland for the time being, and their ſucceſſors, do, at and after the Union, according to their different degrees and orders, enjoy the rank and precedency of all Peers to be thereafter created of the like orders and degrees in the united kingdom: Provided always, that it be underſtood, that all perſons who ſhall be Peers of England, at the time of the Union, ſhall for ever enjoy that rank and order of precedence of their reſpective degrees, before the ſame degrees of the Peers of Scotland.

The Lord Treaſurer did alſo, in name of the Lords Commiſſioners for England, deliver to the Board the following propoſal, which was read.

The Lords Commiſſioners for England do propoſe, that from and after the Union, the coin ſhall be of the ſame ſtandard and value throughout the united kingdom, as now in England, and the ſame weights and meaſures ſhall be uſed throughout the united kingdom as are now eſtabliſhed in England.

The Lord Treaſurer did likewiſe, in name of the Lords Commiſſioners for England, deliver to the Board the following propoſal, which was read.

The Lords Commiſſioners for England do propoſe, that all laws and ſtatutes in either kingdom, which are contrary to, or inconſiſtent with the terms agreed on for uniting the two kingdoms, ſhall be repealed, and made void.

Adjourned to Friday the 21ſt inſtant, 12 o'clock.

Friday the 21ſt *of June*, 1706.

The Earl of Mar, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the propoſal contained in the paper delivered by the Lords Commiſſioners for England the 15th inſtant, concerning the duty on ſalt, with this explanation, as to the laſt paragraph thereof, about the equivalent, that ſeeing the whole duties on ſalt are already appropriated for payment of the debts of England, the Lords Commiſſioners for Sctland do underſtand, that whenever the duties upon ſalt ſhall take place in Scotland, the ſums thence ariſing will be applicable to the payment of the debts of England, and thereby, there will be an equivalent due to Scotland, for the whole duties to be levied on ſalt there.

The Earl of Mar did alſo, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the propoſal contained in the anſwer delivered by the Lords Commiſſioners for England, concerning the

Peers of Scotland, with this further explanation; the Lords Commiſſioners for Scotland do underſtand, that by the explanation contained in the ſaid paper delivered by the Lords Commiſſioners for England, all the Peers of Scotland are to be tried as Peers of Great-Britain, and enjoy all privileges of Peerage, excepting that of ſitting in the Houſe of Lords, and the privileges depending thereon, to which ſixteen Peers, to be ſent from time to time from the Peers of Scotland to the Houſe of Lords of Great Britain, are only entitled; and the Lords Commiſſioners for Scotland do propoſe, that in the trials of Peers in time of adjournments or prorogations of Parliament, the ſixteen Peers, who do then repreſent the Peers of Scotland, ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges in ſuch trials, as any other Peers of Great Britain, and that in the trials of Peers when there is no Parliament in being, the ſixteen Peers, Repreſentatives from Scotland in the former Parliament; ſhall be called in the ſame manner, and have the ſame powers and privileges.

The Earl of Mar delivered alſo, in name of the Lords Commiſſioners for Scotland, to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland having conſidered the propoſal delivered by the Lords Commiſſioners for England the 19th inſtant, viz. that from and after the Union, the coin ſhall be of the ſame ſtandard and value throughout the united kingdom as now in England, and the ſame weights and meaſures ſhall be uſed throughout the united kingdom as are now eſtabliſhed in England; the Lords Commiſſioners for Scotland do agree to the ſame, providing that conſideration be had to the loſſes private perſons may ſuſtain in reducing the coin to the ſame ſtandard as now eſtabliſhed in England; and alſo provided, that from and after the Union, the Mint at Edinburgh be always continued under the ſame rules as the Mint in the Tower of London, or elſewhere in the united kingdom; and that the ſtandard of weights and meaſures for Scotland be kept by thoſe Boroughs within that part of the united kingdom now called Scotland, to whom the keeping of the ſtandards of weights and meaſures now in uſe in Scotland, does by ſpecial right and privilege belong.

The Earl of Mar did likewiſe, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland having conſidered the propoſal made by the Lords Commiſſioners for England the 19th inſtant, that all laws and ſtatutes in either kingdom, which are contrary to, or inconſiſtent with the terms agreed on for uniting the two kingdoms, ſhall be repealed and made void, do agree to the ſame.

The

The Earl of Mar did, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following propoſal which was read.

The Lords Commiſſioners for Scotland having by their paper delivered the 9th of May laſt propoſed, that the private right of corporations and companies ſhould be reſerved to be conſidered in the courſe of this treaty, their Lordſhips do now propoſe, that the rights and privileges of the Company in Scotland, trading to Africa and the Indies, eſtabliſhed in Scotland by the 8th act of Parliament 1695, and by the 13th act of Parliament 1701, do continue in force after the Union; or that if the privileges of that Company ſhall be judged inconvenient for the trade of the reſt of the united kingdom, that the private rights of the ſaid Company in Scotland be purchaſed from the proprietors.

The Earl of Mar did alſo, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following propoſal, which was read.

The Lords Commiſſioners for Scotland do propoſe to the Lords Commiſſioners for England, that all ſhips belonging to Her Majeſty's ſubjects in Scotland, at the time of the Union (though foreign built), ſhall be deemed and paſs as ſhips of the build of Great Britain, the owner or owners within twelve months after the Union making oath, that the ſame did belong to him or them at the commencement of the Union, and does then belong to him, or them, and that no foreigner, directly nor indirectly, hath any ſhare or part, or intereſt therein, which oath ſhall be made before the chief officer of the cuſtoms at the port next the abode of the ſaid owner or owners; and the ſaid officer ſhall be impowered to adminiſter the ſaid oath; and the oath being ſo adminiſtered, ſhall be atteſted by the officer who adminiſtered the ſame, and being regiſtered by the ſaid officer, ſhall be delivered to the maſter of the ſhip for ſecurity of her navigation, a duplicate of which regiſter ſhall be immediately tranſmitted to the Commiſſioners of Her Majeſty's cuſtoms in the port of Edinburgh.

As to ſhips built in Scotland before, or which ſhall be built there after the Union, the Lords Commiſſioners for Scotland do make no ſeparate propoſal, ſeeing thoſe, by the mutual agreements in this treaty, are to be ſubject to the ſame regulations as in England, and conſequently to the acts of navigation now in force.

Adjourned to Saturday the 22d inſtant at one o'clock.

Saturday the 22d of *June*, 1706.

The Lord Treaſurer, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England having conſidered the paper concerning ſalt, delivered by the Lords Commiſſioners for Scotland 21ſt inſtant, think themſelves obliged to inform their Lordſhips, that the whole duties on ſalt are not appropriated for payment of the debts of England; the duty of

12d. a buſhel on ſalt, though granted to the Crown in perpetuity, is appropriated to the payment of debts no longer than till the 1ſt of Auguſt, 1710.

That the remaining part of the duty on ſalt, viz. 2s. 4d. a buſhel, is granted to the Crown in perpetuity, and is with other duties appropriated for payment of 160,000l. *per annum* to the Eaſt-India Company, redeemable by Parliament, and the ſuperpluſage above that annual ſum is not appropriated to the payment of the debts of England; and therefore the Lords Commiſſioners for England do think it neceſſary for them to inſiſt upon what was expreſſed in their paper delivered by them the 15th inſtant; that when the duty on ſalt ſhall take place in Scotland, the equivalent which the kingdom of Scotland is to have, ought to be extended only to ſuch part of the duties on ſalt, as ſhall be applied to the payment of the debts of England.

The Lord Treaſurer did likewiſe, in name of the Lords Commiſſioners for England, deliver to the Board the following paper, which was read.

It appearing by a paper given in by the Lords Commiſſioners for Scotland the 21ſt inſtant, that the Lords Commiſſioners for England had not fully expreſſed themſelves in ſome part of a paper delivered by them on the 19th inſtant, to the ſatisfaction of the Lords Commiſſioners for Scotland, and being deſirous upon this, and all other occaſions, to proceed with all poſſible clearneſs, do make the following explanation of their meaning in that part of the ſaid paper.

They agree, that all Peers of Scotland, and their ſucceſſors to their honours and dignities, ſhall, from and after the Union, be reckoned and declared Peers of Great Britain, and ſhall be tried as Peers of Great Britain, and ſhall enjoy the privileges of Peers, as fully as the Peers of England do now enjoy the ſame, or as they or any other Peers of Britain may hereafter enjoy the ſame, except the right and privilege of ſitting in the Houſe of Lords, and the privileges depending thereon, and particularly the right of ſitting upon the trials of Peers.

They agree, that the ſixteen Peers who are to ſit in the Houſe of Lords of Great Britain, for that part of the united kingdom called Scotland, after the Union, ſhall have all privileges of Parliament, which the Peers of England now have, and which they or any Peers of Britain ſhall have after the Union, and particularly the right of ſitting upon the trials of Peers.

They agree, that in caſe of the trial of any Peer in time of adjournment or prorogation of Parliament, the ſaid ſixteen Peers ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trials, as any other Peers of Great Britain.

And they do further agree, that in caſe any trials of Peers ſhall hereafter happen, when there is no Parliament in being, the ſixteen Peers of Scotland who

ſat

ſat in tne laſt preceding Parliament, ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trials, as any other Peers of Great Britain.

The Lord Treaſurer did alſo, in name of the Lords Commiſſioners for England, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for England do agree to the propoſal delivered the 21ſt of June, by the Lords Commiſſioners for Scotland, touching ſhips belonging to her Majeſty's ſubjects in Scotland, with the alterations following, viz.

That all ſhips belonging to Her Majeſty's ſubjects in Scotland, at the time of ſigning the treaty for the Union of the ſaid kingdoms, though foreign built, ſhall be deemed and paſs as ſhips of the build of Great Britain; the owner or owners, within twelve months after the Union, making oath that the ſame did belong to him or them at the ſigning the ſaid treaty, and doth then belong to him or them; and that no foreigner, directly nor indirectly, hath any ſhare or part, or intereſt therein; which oath ſhall be made before the chief officer or officers of the cuſtoms in the port next the abode of the ſaid owner or owners; and the ſaid officer or officers ſhall be impowered to adminiſter the ſaid oath, and the oath being ſo adminiſtered, ſhall be atteſted by the officer or officers who adminiſtered the ſame, and being regiſtered by the ſaid officer or officers, ſhall be tranſmitted to the chief officer or officers of the cuſtoms in the port of Edinburgh, to be there entered in a regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all the trading ſhips belonging to Great Britain.

The Lord Treaſurer, in name of the Lords Commiſſioners for England, delivered to the Board the following propoſal which was read.

The Lords Commiſſioners for England do propoſe to the Lords Commiſſioners for Scotland, that from and after the Union, there be one great ſeal for the united kingdom of Great Britain, to be uſed for ſealing writs to elect and ſummon the Parliament of Great Britain, and for ſealing other public and mandatory writs, public acts, or orders of ſtate, and grants, and ſuch inſtruments relating to public juſtice, policy, and government, as are proper to be ſealed with a great ſeal; yet nevertheleſs a ſeal in Scotland ſhall, after the Union, be always kept, and made uſe of, in all things relating to private rights and juſtice, in the ſame manner as the great ſeal is at this time uſed, but ſubject to ſuch regulations as the Parliament of Great Britain may hereafter make, and, until ſuch ſeal ſhall be provided, the great-ſeal of Scotland ſhall be uſed, as at this time, in all things relating to private rights and juſtice.

The Earl of Mar, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following propoſal, which was read.

The Lords Commiſſioners for Scotland do propoſe it be declared, that the laws and acts of Parliament in Scotland for pineing, curing, and packing of

herrings, white-fiſh, and ſalmon, for export beyond ſeas with foreign ſalt only, and for preventing of frauds in curing and packing of fiſhes, be continued in force in Scotland after the Union, but ſubject to alterations by the Parliament of Great Britain; and that the ſame eaſes, premiums, and draw-backs be allowed after the Union, for the encouragement of ſuch as ſhall export fiſhes from Scotland beyond ſeas, as is now allowed by the laws of England, to ſuch as export the like fiſhes from England.

Adjourned to Tueſday the 25th inſtant, at one o'clock.

Tueſday the 25th of June, 1706.

The Earl of Mar, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the laſt explanation contained in the paper delivered by the Lords Commiſſioners for England on the 22d inſtant, concerning the privileges of the Peers of Scotland.

The Earl of Mar did alſo, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the propoſal made by the Lords Commiſſioners for England on the 15th inſtant, concerning the duties on ſalt, and do not inſiſt upon the explanation propoſed by their Lordſhips the 21ſt inſtant, in reſpect of what is repreſented in the paper delivered by the Lords Commiſſioners for England on the 22d inſtant.

The Earl of Mar did likewiſe, in name of the Lords Commiſſioners for Scotland, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the alteration made by the Lords Commiſſioners for England in the propoſal delivered by the Lords Commiſſioners for Scotland, touching ſhips belonging to Her Majeſty's ſubjects of Scotland, with this further explanation.

That all ſhips belonging to Her Majeſty's ſubjects of Scotland, at the time of ſigning this treaty of the Union of the two kingdoms, though foreign built, ſhall be deemed and paſs as ſhips of the build of Great Britain; the owner, or where there are more owners, one or more of them, within twelve months after the Union making oath, that the ſame did belong to him or them, or to ſome other ſubject or ſubjects of Scotland, at the time of ſigning the ſaid treaty, and doth then belong to him or them, and that no foreigner directly nor indirectly hath any ſhare, or part, or intereſt therein; which oath ſhall be made before the chief officers of the cuſtoms in the port next the abode of the ſaid owner or owners; and the ſaid officer or officers ſhall be impowered to adminiſter the ſaid oath; and the oath being ſo adminiſtered, ſhall be atteſted by the officer or officers who adminiſtered the ſame; and being regiſtered by the ſaid officer or officers, ſhall be delivered to the maſter of the ſhip, for ſecurity of her navi-

gation,

gation, and a duplicate thereof ſhall be tranſmitted by the ſaid officer or officers to the chief officer or officers of the cuſtoms in the port of Edinburgh, to be there entered in a regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all trading ſhips belonging to Great Britain.

OBSERVATION XI.

The debates about the ſixteen Peers are ſo clear, and the queſtions and anſwers in themſelves ſo direct, that they require no explanation; nor was there any thing conſiderable paſſed upon thoſe heads, which is not expreſſed in the minute.

The ſettling the different privileges between the ſitting Peers for the time being, and the other Peers, ſeemed to be the main difficulty, and was quickly regulated.

I know it was alledged in Scotland, that the privilege of peerage being by this treaty extended to the nobility of Scotland, I mean, as to protection of their perſons and eſtates, was both a diſhonour and a diſadvantage to them; a diſhonour, as if they were ſtooping to accept of an exemption from an honeſt diſcharge of their debts, and a diſadvantage, ſince now, they being not liable to proſecutions for debt, would obtain no perſonal credit, whatever their occaſions might be; and that a private gentleman's bond would now be more valuable than a nobleman's, ſince it could be ſued and made heretable, whereby his eſtate ſhould become liable, as well after his death, as in his life-time, whereas a nobleman's bond could no way be put in ſuit.

However this was, there was no making a diſtinction, at a time when a treaty was tranſacting, to bring all, if poſſible, to an equality of circumſtances, unleſs the Engliſh nobility ſhould have laid themſelves and their eſtates open to the common proceſs of the law, which had been inconſiſtent with their conſtitution, and much more with their convenience.

I have not meddled with the frequent propoſals, anſwers and replies about the ſalt-tax, as a thing I ſhall ſpeak more at large to, when I ſhall obſerve upon the minutes of Parliament, where that matter received a new turn, and all theſe ſcruples were effectually ſettled under one head of limitation, and ſo are needleſs to be repeated here.

It may be needful to explain ſomething here, of the debate and reſtriction about ſhipping; the Engliſh Commiſſioners had in their view the Act of Navigation, which, in England, obliges all the ſhips employed to and from England, except only ſuch ſhips as import any thing of the growth or manufacture of their own country, to which thoſe ſhips belong, to be Engliſh built ſhips, and the mariners or ſailors navigating the ſame, to be two thirds, at leaſt, natural born ſubjects of England.

Now

Now as Scotland of late years, wanting timber, or other materials for building, had but very few ſhips of their own building, they carried on the greateſt part of their foreign trade in ſhips built in Holland, Hamburgh, the Baltick, or other foreign parts; wherefore the Engliſh Commiſſioners, in order to ſet bounds to the introducing of foreign bottoms into our trade as free ſhips, offered the clauſe as in the minute.

It was moved in the Scots behalf, to give a certain time for the clearing up this point, and that a ſhip ſhould be deemed free at the time of the Union, if part of her was owned by Scotſmen at the time of the Union, becauſe as the Scots traded much to Holland, ſo the merchants of Amſterdam, Camphere, &c. were in part owners, in company with the Scots merchants, of many of their ſhips; and therefore it was thought hard, that if the major part of the owners were Scotſmen, yet the ſhip ſhould be deemed foreign, which would either oblige the Scots merchant to buy the remainder, at what price the foreign owner pleaſed to exact, or oblige him to ſell and caſt off the ſhip, which he could not carry on his trade without.

But as this would have claſhed directly with the Act of Navigation, and created innumerable inconveniencies in trade, it was left out; for then foreigners had had no more to do, but to intereſt Scotſmen in a moiety of their ſhips, and ſo have made great numbers of foreign built bottoms have paſſed for free ſhips in Britain, to an inexpreſſible damage of the Engliſh trade.

This point therefore being given up, it remained only to diſpute the time, at which any veſſel belonging entirely to Scots owners ſhould be deemed free; the Engliſh Commiſſioners put it to be at the time of ſigning the treaty, the Scots Commiſſioners inſiſted on the time of the commencement of the Union; but the reaſons given againſt that latitude were ſo convincing, that the Scots Commiſſioners complied with it.

The principal reaſon was, that, in that interval of time, the merchants of either kingdom might furniſh themſelves with great numbers of foreign ſhips, which being built cheaper than the Engliſh, and becoming free by this clauſe, would be a great prejudice to trade; and ſeeing it was the known intereſt of both kingdoms to encourage the building of merchants ſhips among themſelves, it could not but be the intereſt of both, to prevent the crowding in of foreign ſhips among them.

This was debated again in the Parliament of Scotland, and, after long diſcourſes, obtained to paſs with this ſmall alteration, the time of ratifying, inſtead of the time of ſigning the Union, as ſhall appear in its place.

The affairs of the ſtandards, weights and meaſures, were things admitted no debate in either kingdom, ſo need no obſervation; I ſhall give a ſcale of the differences hereafter, becauſe it may be uſeful in matters of trade.

The affair of the coin made ſome noiſe abroad among the people, but the anſwering the loſs of private perſons out of the equivalent put a ſtop to it, and it was alſo adjuſted without any heſitation.

Neither was there any difficulty before them about the affair of the great ſeal of Britain, or of any regulations with reſpect to a ſeal in Scotland, for the paſſing ſuch acts, either relating to private rights, or public juſtice; but it appeared ſo equal, that it made no difficulties even at the time of the Parliament in Scotland, when moſt of the other heads admitted ſuch ſtrong debates.

But the next thing proceeded upon was the calculation of the equivalent, which a Committee had been buſy in ſettling, with clerks appointed to examine the calculations, and ſtate them to the Commiſſioners, the reſult of which was now before them.

Minute continued.

The Lord Treaſurer, in the name of the Lords Commiſſioners for England, delivered to the Board the following propoſal, which was read.

The Lords Commiſſioners of the two kingdoms having appointed a Committee, conſiſting of a like number of each Commiſſion, for adjuſting the equivalent to be allowed to Scotland for what that kingdom ſhould become liable to anſwer towards payment of the debts of England, by reaſon of their having agreed to bear the ſame duties of cuſtoms and exciſes upon all exciſeable liquors; and the ſaid Committee having frequently met, and after a full inquiry, having agreed amongſt themſelves, and ſeverally reported to their reſpective Commiſſions, that the ſum of 398,085l. 10s. was the equivalent to be anſwered to Scotland, according to the proportion which the preſent cuſtoms and exciſes in Scotland, do bear to the cuſtoms and exciſes upon exciſeable liquors in England; and the Lords Commiſſioners for England having conſidered and examined the ſaid report, do agree to the ſaid ſum.

The Lords Commiſſioners for Scotland having alſo inſiſted, that after the Union the kingdom of Scotland becoming liable to the Engliſh duties of cuſtoms and exciſes upon exciſeable liquors, as well upon that account, as upon the account of the increaſe of trade and people, which will be the happy conſequence of the ſaid Union, the ſaid two revenues will much improve, of which no preſent valuation can be made; yet, nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent allowed to Scotland. The Lords Commiſſioners for England do agree, that after the Union there ſhall be an account kept of the ſaid duties ariſing in Scotland, to the end that it may appear what ought to be allowed to Scotland as a proportionable equivalent for ſuch proportion of the ſaid increaſe, according to the calculation aforeſaid, as ſhall be applicable to the payment of the debts of England.

The

The Lords Commiſſioners for Scotland having alſo, by their paper delivered the 21ſt inſtant, propoſed that the rights and privileges of the Company in Scotland trading to Africa and the Indies, do continue after the Union, or if the privileges of that Company be judged inconvenient for the trade of the united kingdom, that the private rights of the ſaid Company in Scotland be purchaſed from the ſaid proprietors; the Lords Commiſſioners for England, in anſwer thereto, ſay they are of opinion, that the continuance of that Company is inconſiſtent with the good of trade in the united kingdom, and conſequently againſt the intereſt of Great Britain; and therefore they inſiſt that it ought to be determined. But the Lords Commiſſioners for England being ſenſible that the misfortunes of that Company have been the occaſion of miſunderſtandings and unkindneſſes between the two kingdoms; and thinking it to be above all things deſirable, that upon the Union of the kingdoms, the ſubjects of both may be intirely united in affection, do therefore wiſh that regard may be had to the expences and loſſes of the particular members of the ſaid Company, in the manner hereafter mentioned; and they hope when the Lords Commiſſioners for Scotland have conſidered how generally that undertaking was entered upon in Scotland, and conſequently how univerſal that loſs was, they will readily agree to the propoſal.

The Lords Commiſſioners for England do alſo think it of much conſequence to England, that it ſhould be agreed in this treaty, after what manner the equivalent (which will amount to a great ſum payable upon and after the Union) is to be paid and applied; and being extremely deſirous to bring the treaty to a ſpeedy concluſion, and in order to that, as ſoon as may be, to ſettle and fix the matter of the equivalent, and the application thereof, do agree as follows, and do alſo make the following propoſals to the Lords Commiſſioners for Scotland.

The Lords Commiſſioners for England do agree, that upon compleating the Union, the ſaid ſum of 398,085l. 10s. being agreed upon as the equivalent for Scotland, ſhall be granted to her Majeſty for that uſe.

The Lords Commiſſioners for England do alſo agree, that upon the account to be kept as aforeſaid, of the improvement of the revenue of cuſtoms and exciſes upon exciſeable liquors in Scotland after the Union, there ſhall be anſwered to Scotland an equivalent in proportion to ſuch part of the ſaid increaſe as ſhall be applicable to the payment of the debts of England.

The Lords Commiſſioners for England do alſo agree, that an equivalent ſhall be anſwered to Scotland for ſuch other parts of the Engliſh debts as that kingdom may hereafter become liable to pay by reaſon of the Union.

The Lords Commiſſioners for England do propoſe, for the further and more effectual

effectual anſwering the ſeveral ends hereafter mentioned and propoſed, that from and after the Union, the whole increaſe of the revenue of cuſtoms and exciſes upon exciſeable liquors in Scotland, over and above what the ſaid revenues do now yield, ſhall go and be applied, for the term of ſeven years, to the uſes hereafter mentioned.

And upon the ſaid agreements and propoſal, the Lords Commiſſioners for England do further propoſe, that her Majeſty be empowered to appoint Commiſſioners, who ſhall be accountable to the Parliament of Great Britain, for diſpoſing the ſaid ſum of 398,085l. 10s. to be granted as aforeſaid, and alſo of all other monies which ſhall ariſe upon the agreements and propoſal aforeſaid to the purpoſes following: 1. That out of the ſaid ſum of 398,085l. 10s. all the public debts of the kingdom of Scotland, and alſo the capital ſtock or fund of the African and Indian Company of Scotland, together with the intereſt for the ſaid capital ſtock, after the rate of 5 per cent. per annum from the reſpective times of payment thereof, ſhall be paid; and that, immediately upon ſuch payment of the ſaid capital ſtock and intereſt, the ſaid Company ſhall be diſſolved and ſhall ceaſe: provided nevertheleſs, that from the time of paſſing the Act for raiſing the ſaid ſum of 398,085l. 10s. the ſaid Company ſhall neither trade nor give licence to trade.

The Lords Commiſſioners for England do further propoſe, That after payment of the ſaid public debts, and refunding the ſaid capital ſtock in manner aforeſaid, the overplus of the ſaid ſum of 398,085l. 10s. and alſo the whole improvement of the revenue of cuſtoms and exciſes upon exciſeable liquors (above the preſent value), which ſhall ariſe during the term of ſeven years, from the commencement of the Union as aforeſaid, together with the equivalent which ſhall become due upon account of the improvement of the cuſtoms and exciſes on liquors in Scotland, after the ſaid ſeven years, and all other ſums, which according to the agreement aforeſaid may become payable to Scotland, by way of equivalent for what that kingdom ſhall hereafter become liable to anſwer for the debts of England, may be applied in the manner following.

That out of the ſame what conſideration ſhall be found neceſſary to be had for any loſſes which private perſons may ſuſtain in reducing the coin of Scotland to the ſtandard of England (mention whereof is made in another paper delivered by the Lords Commiſſioners for Scotland the 21ſt inſtant), may be made good, and afterwards the ſame ſhall be wholly employed towards encouraging and promoting the fiſheries, and ſuch other manufactures and improvements in that part of Britain called Scotland, as may moſt conduce to the general good of the united kingdom.

Adjourned to Wedneſday the 26th inſtant, 7 in the evening.

OBSERVATION XII.

In making obſervations on the affair of the African Company, it may be neceſſary to ſtate that part of the African affair that belongs to this immediate debate.

The African Company having, as has been related in the beginning of this work, met with ſeveral diſaſters and misfortunes, in ſome of which, the national intereſts of England and Scotland had but too much claſhed, and which had been the occaſion of a great deal of ill blood between them, it was abſolutely neceſſary, in the bringing to paſs an Union between the kingdoms, to remove every occaſion of diſcontent; and particularly every interfering intereſt, being inconſiſtent with a complete entire Union, the thing now aimed at, there was therefore an abſolute neceſſity to remove or reconcile every thing of that nature, as far as poſſible, before ſuch an Union could be made.

The Scots Commiſſioners were in the right to propoſe, That their African Company ſhould be ſupported and defended as a private right, all rights and privileges of corporations and companies being to be reſerved; and this having been a national concern, in which they had but made an eſſay, and miſcarrying in their firſt attempt, had let it reſt for a while, but had various proſpects of future projects and attempts; it could not be equal, to oblige them to quit theſe proſpects, and their legal right to a trade to the Indies, which was ſo valuable in other countries, and which might in time reſtore their loſſes; and therefore they propoſed the reſerving to themſelves the charters, rights and privileges of their African and Indian Company.

On the other hand, the caſe of England made this impracticable; for whereas there was already a Company eſtabliſhed in England, formed, and with great difficulty united into one, from two contending and powerful companies; and that theſe were intirely ſupported, and depended upon their excluſive charters, by which no other perſons could trade to the Indies but themſelves, or by their permiſſion: if this Company eſtabliſhed in Scotland had continued after the Union, the article for a free intercourſe of trade between the nations, had immediately opened to them all the ports of England for their ſhips and goods; and it had been, in event, a perfect laying open the Eaſt India trade, or at leaſt erecting a new Eaſt India Company in Britain, which, whoever knows the difficulty of uniting the laſt contending companies, and the injury they did both their trade in particular, and the whole nation of England in general, before they could be brought together, will acknowledge is not to be borne within Britain.

This the Scots Commiſſioners foreſaw, and therefore very frankly propoſed the alternative, viz. That if the privileges of that Company ſhall be judged inconvenient

convenient for the trade of the reſt of the united kingdom, that the private rights of the ſaid Company in Scotland be purchaſed from the proprietors.

This was the leaſt that could be demanded; for if England found it impracticable to ſuffer, or intolerable to their two Companies to bear, it was but reaſonable, that the Company, who was to quit its right, ſhould have ſatisfaction for parting with that right. And the next queſtion was therefore, what muſt this purchaſe be, and who muſt pay it? and this was no ſmall point.

England was ſo clear and fair in all their offers as to the equivalent, that the Scots Commiſſioners were, in a manner, prevented in every thing they had to aſk; the offers of a full recompence in money, advanced for all the money which Scotland ſhould be charged to pay towards the Engliſh debts, and of applying the whole remaining revenue of Scotland for the encouraging trade, and employing the poor, had in it ſo much evidence of the hearty deſign of the Engliſh Commiſſioners to conſider every thing for the good of the community after the Union, that it could bear but little objection: it ſeemed therefore but reaſonable, that the Scots ſhould, at their own charge, put themſelves in condition of uniting, that is, That if they had any national obſtruction, which was inconſiſtent with the deſigned Union, and without removing which it could not be made, that then the removing that difficulty ſhould lie at their door.

It was this kind of reaſoning which directed the purchaſe of the private rights of the African Company in Scotland to be made out of the equivalent money; and to which, after very little debate, as you may ſee, both parties agreed.

Then the queſtion was, what price ſhould theſe private rights be purchaſed at; and this would have met with great difficulties, ſome magnifying the proſpects of their company in trade, as a thing not to be valued, and which alone was able to enrich their nation; others leſſening it in the moſt contemptible manner, as a thing that not only had now, but never had any proſpect or poſſibility of ſucceſs, as it had been managed. Of which by itſelf.—

But the method propoſed appeared ſo fair, that it left no room for objection, it being a valuation from the true original, viz. That every private adventurer ſhould be put in the ſame condition as he was in at firſt, ſuppoſing his money put out to intereſt; ſo that every man was to receive his full original capital ſtock which he had at firſt advanced, and five per cent. intereſt to the time of payment.

Nor can I forbear ſaying, that the ſurpriſe of this offer had various effects upon the people; for this ſtock was a dead weight upon a great many families, who wanted very much the return of ſo much money: it had not only been long diſburſed, but it was, generally ſpeaking, abandoned to deſpair, and the money given over for loſt; nay, ſo entirely had people given up all hopes, that a man might even, after this concluſion of the treaty, have bought the ſtock at 10

pounds for an hundred; and after all this, to find the whole money ſhould come in again, with intereſt for the time, was a happy ſurpriſe to a great many families, and took off the edge of the oppoſition, which ſome people would otherwiſe have made to the Union in general.

Wedneſday the 26th of *June*, 1706.

Her Majeſty came to the Meeting, and being ſeated in her chair, ſpoke to the Lords Commiſſioners as follows:

" My Lords,

" I AM come hither once more to ſee what further progreſs you have made " in this treaty, and to preſs a ſpeedy concluſion of it, in regard my ſervants of " Scotland cannot without great inconveniency be much longer abſent from " that kingdom."

After which Her Majeſty was pleaſed to direct, that the proceedings of the Commiſſioners for both kingdoms (from the time of her being there) ſhould be read, which was accordingly done by the reſpective Secretaries, and then Her Majeſty went away.

Adjourned to Friday the 28th inſtant, 6 in the evening.

Friday the 28th of *June*, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England having conſidered the propoſal made by the Lords Commiſſioners for Scotland the 22d inſtant, touching the continuance of the laws and acts of Parliament now in force in Scotland, for preventing frauds in pineing, curing and packing fiſh in Scotland, do agree to the ſame; and do likewiſe agree, that fiſh exported from Scotland to parts beyond the ſeas after the Union, ſhall have the ſame eaſes, premiums and drawbacks, as are now allowed by the laws of England to ſuch as export the like fiſh from England.

The Lord Keeper, in name of the Lords Commiſſioners for England, alſo delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England do agree to the further explanation contained in the paper, delivered by the Lords Commiſſioners for Scotland the 25th inſtant, concerning foreign built ſhips belonging to Her Majeſty's ſubjects of Scotland, with this addition, that in the oath propoſed to be made by one or more owners of ſuch ſhip, where there are more owners, the names of all the owners, and the places of their abode ſhall be particularly mentioned.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following propoſal, which was read.

The Lords Commiſſioners for England being deſirous that no time be loſt in perfecting this treaty, do propoſe, that four Commiſſioners of each part be appointed

pointed to draw up into form the articles or heads of this treaty upon the points already agreed, or which hereafter ſhall be agreed, in order to be ſigned and ſealed by the Commiſſioners of both kingdoms.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland having conſidered the propoſal delivered by the Lords Commiſſioners for England the 22d inſtant, concerning the great ſeal, their Lordſhips do agree, that there ſhall be a great ſeal for the united kingdom of Great-Britain, to be uſed for ſealing writs to elect and ſummon the Parliament of Great-Britain, and for ſealing all treaties with foreign princes and ſtates, and all public writs and orders of ſtate, which concern the whole united kingdom. And the Lords Commiſſioners for Scotland do propoſe, that the great ſeal of the united kingdom be different from the great ſeals now uſed in either kingdom, and that the quartering the arms, as may beſt ſuit the Union, be left to her Majeſty, and that in the mean time the great ſeal of England be uſed as the great ſeal of the united kingdom. And the Lords Commiſſioners for Scotland do further propoſe, as a conſequence of the reſervations agreed to by the Lords Commiſſioners for both kingdoms, of the laws and cuſtoms in Scotland, that a ſeal in Scotland, after the Union, be always kept and made uſe of in all things relating to private rights or grants, which have uſually paſſed the great ſeal of Scotland, and which do only concern offices, grants, commiſſions and private rights within that kingdom; and that the privy ſeal, ſignet, ſignet of the Juſticiary Court, quarter ſeal, and other ſeals of Courts now in uſe in Scotland be continued, but that the ſame be altered and adapted to the ſtate of the Union, as her Majeſty ſhall think fit, and that the ſaid ſeals, and all of them, and the keepers of them, ſhall be ſubject to ſuch regulations as the Parliament of Great-Britain ſhall hereafter make.

The Lords Commiſſioners for Scotland do alſo propoſe, that upon calling the firſt Parliament of Great-Britain, and until the ſaid Parliament ſhall make further proviſion therein, the following method be uſed in ſummoning the members from Scotland, to attend in both Houſes of Parliament of Great Britain, viz. That a writ under the great ſeal of the united kingdom be iſſued out for ſummoning the ſaid members, and that the ſaid writ be directed to ſuch court, officer or office, and to be executed and returned in ſuch manner as in the Parliament of Scotland ſhall be ſettled, at or before ratifying the treaty.

The Lord Chancellor did alſo, in the name of the Lords Commiſſioners for Scotland, deliver to the Board the following paper, which was read.

The paper delivered by the Lords Commiſſioners for England on the 25th inſtant, concerning the equivalent, does very much contribute to the bringing this

this treaty to a concluſion. And the Lords Commiſſioners for Scotland being ready to concur on their part, do agree to the ſame, with the following additions and explanations.

1. And firſt, where the ſaid Commiſſioners for both kingdoms have agreed that the ſum of 398,085l. 10s. is the equivalent to be anſwered to Scotland, according to the proportions which the preſent cuſtoms and exciſe of Scotland do bear to the cuſtoms and exciſes upon exciſeable liquors in England; the Lords Commiſſioners for Scotland do propoſe, that the accounts and calculations which lay before the Committee, by which it does appear from whence the aforeſaid ſum does ariſe, be entered in the journal books of this treaty.

And where the Lords Commiſſioners for both kingdoms have alſo agreed that an account be kept of all the duties in Scotland, ariſing from the cuſtoms and exciſes upon exciſeable liquors, beyond the preſent eſtimate, to the end it may appear what ought to be allowed to Scotland as an equivalent to ſuch proportion of the ſaid increaſe, according to the calculation aforeſaid, as ſhall be applicable for payment of the debts of England; the Lords Commiſſioners for Scotland do in like manner propoſe, that the calculation of that proportion which lay before the Committee be entered in the books of journal of this treaty.

And where the Lords Commiſſioners for both kingdoms have agreed, that upon compleating the Union, the ſaid ſum of 398,085l. 10s. being agreed upon as the equivalent for Scotland, ſhall be granted to her Majeſty for that uſe; the Lords Commiſſioners for Scotland do underſtand it to be the meaning of the Lords Commiſſioners for England, that the ſaid ſum be granted to her Majeſty in the Parliament of England, at or before ratifying the treaty, and do propoſe that the ſum be due and payable from the time of ratification of the Union in both Parliaments.

And whereas it is agreed on both ſides, that her Majeſty be empowered to appoint Commiſſioners, who ſhall be accountable to the Parliament of Great Britain for diſpoſing of the ſaid ſum of 398,085l. 10s. to be granted as aforeſaid, and alſo of all other monies that ſhall ariſe upon the agreements and propoſal aforeſaid, to the purpoſes mentioned in the ſaid paper delivered by the Lords Commiſſioners for England on the 25th inſtant; the Lords Commiſſioners for Scotland do propoſe that the aforeſaid Commiſſioners be not only empowered to call for, receive and diſpoſe of the aforeſaid ſum to the purpoſes mentioned in the ſaid paper; but further, that the ſaid Commiſſioners be authorized and empowered to inſpect the books of the ſeveral collectors of the ſaid revenues of cuſtoms and exciſe, and of all other duties from whence an equivalent may ariſe, and that the collectors and managers of the ſaid duties and revenues be obliged to give to the ſaid Commiſſioners ſubſcribed, authentic

tic abbreviats of the produce of the ſeveral revenues and duties ariſing in their reſpective diſtricts on account, where an equivalent may become due to Scotland; which Commiſſioners ſhall be obliged to keep books, containing accompts of the amount of the equivalent, and how the ſame ſhall be diſpoſed of from time to time; which books ſhall be patent for inſpection to all the ſubjects in Scotland; and that the ſaid Commiſſioners have their office within the limits of the ſaid kingdom of Scotland.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following propoſal, which was read.

The Lords Commiſſioners for Scotland do propoſe, for removing of national diſtinctions between the two kingdoms after the Union, that the croſſes of St. Andrew and St. George be conjoined when uſed in flags, banners, ſtandards and enſigns, both at ſea and land.

The Lords Commiſſioners for Scotland withdrew, and being returned, the Lord Chancellor, in their Lordſhips names, delivered to the Board the following anſwer to the propoſal delivered by the Lords Commiſſioners for England at this meeting, which was read.

The Lords Commiſſioners for Scotland do agree, that four Commiſſioners of each part be appointed to draw up into form the articles or heads of this treaty, and have named for their part,

The Lord Preſident of Seſſion.

Lord Juſtice Clerk.

Sir Alexander Ogilvie, one of the Senators of the College of Juſtice.

Sir David Dalrymple.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England do nominate on their part, to be of the Committee agreed to be appointed for drawing into form the treaty of Union between the two kingdoms, the perſons following:

Attorney General.
Solicitor General.
Sir John Cook.
Doctor Waller.

Agreed that the above-named Committee, conſiſting of four of each Commiſſion, meet to-morrow morning at ten o'clock, and that they have power to adjourn themſelves.

Adjourned to Monday the 1ſt of July at 6 in the evening.

Monday the 1ſt of July, 1706.

The Lord Keeper, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England, having conſidered the anſwer delivered by the Lords Commiſſioners for Scotland the 21ſt of June laſt, to the propoſal made by the Lords Commiſſioners for England the 19th of the ſame month, concerning the coin, weights, and meaſures to be uſed throughout the united kingdom; the Lords Commiſſioners for England do agree to the proviſions contained in the ſaid anſwer, with this addition, that the weights and meaſures for Scotland, to be kept in the boroughs of Scotland, to whom the keeping of the ſame does now belong, be ſent down to the reſpective boroughs, from the ſtandard kept in the Exchequer at Weſtminſter; and that a mint be continued in Scotland, under the ſame rules as the mint in England, ſubject to ſuch regulations as the Parliament of Great Britain ſhall think fit.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland having, on the 25th of June laſt, delivered a further explanation of their propoſal delivered the 22d of June, concerning ſhips belonging to Her Majeſty's ſubjects in Scotland, and the Lords Commiſſioners for England having agreed to the ſaid explanation, in their Lordſhips paper delivered the 29th of June, with an addition thereto; the Lords Commiſſioners for Scotland do now agree to the ſaid addition.

Adjourned to Wedneſday the third inſtant, at 11 o'clock.

Wedneſday the 3d of July, 1706.

The Lord Treaſurer, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England have conſidered the paper, delivered by the Lords Commiſſioners for Scotland the 28th of June laſt; and as to the firſt propoſal therein contained, viz. That the great ſeal of the united kingdom, be different from the great ſeal uſed in either kingdom, and that the quartering of the arms, as may beſt ſuit the Union, be left to Her Majeſty; and that, in the mean time, the great ſeal of England be uſed as the great ſeal of the united kingdom; the Lords Commiſſioners for England do agree to the ſame.

And as to the ſecond propoſal, the Lords Commiſſioners for England do agree, that a ſeal ſhall, after the Union, be always kept in Scotland, for the uſes and purpoſes therein contained; and that the privy ſeal, ſignet, and other ſeals therein mentioned, and now uſed in Scotland, be continued the ſame, to be altered, and adapted to the ſtate of the Union, as Her Majeſty ſhall think fit; and that the ſaid ſeals, and all of them, and the keepers of them, ſhall be ſubject to ſuch regulations as the Parliament of Great Britain ſhall hereafter make.

And inſtead of the laſt propoſal, the Lords Commiſſioners for England do propoſe, that, upon calling the firſt Parliament of Great Britain, and until the ſaid Parliament ſhall make further proviſion therein, the following method be uſed.

That

That a writ do iſſue under the great ſeal of the united kingdom of Great Britain, directed to the Privy Council of that part of the united kingdom now called Scotland, commanding them to cauſe ſixteen Peers, who are to ſit in the Houſe of Lords, to be ſummoned to Parliament, and forty-five Members to be elected to ſit in the Houſe of Commons of the Parliament of the united kingdom of Great Britain, according to the agreements between the two kingdoms in this treaty, in ſuch manner as in the Parliament of Scotland ſhall be ſettled, at, or before ratifying the treaty; and that the names of the perſons ſo ſummoned and elected ſhall be returned by the Privy Council of Scotland, into the court from whence the ſaid writ did iſſue.

The Lord Treaſurer did alſo, in name of the Lords Commiſſioners for England, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for England having conſidered the propoſal contained in the paper, delivered by the Lords Commiſſioners for Scotland the 28th of June laſt, in anſwer to the ſeveral matters relating to the equivalent, mentioned in the paper delivered by the Lords Commiſſioners for England on the 25th of the ſame month, do agree to the propoſal therein made, concerning the accounts and calculations from whence the equivalent did ariſe, being entered into the journal books of this treaty.

And the Lords Commiſſioners for England do likewiſe agree to the propoſal contained in the ſame paper, concerning the calculation of the proportion of the increaſe of duties ariſing from cuſtoms and exciſes beyond the preſent eſtimate, being entered in the journal book of this treaty.

And the Lords Commiſſioners for England do alſo agree to the propoſal in the ſame paper, that the ſum of 398,085l. 10s. agreed upon to be the equivalent for Scotland ſhall be granted to her Majeſty in the Parliament of England, at or before ratifying the treaty, and that the ſame be due and payable from the time of ratification of the Union in both Parliaments.

And the Lords Commiſſioners for England do alſo agree to what is further propoſed therein by the Lords Commiſſioners for Scotland, concerning the powers to be given to the Commiſſioners for diſpoſing of the equivalent, and the books and office to be kept by the ſaid Commiſſioners.

The Lord Treaſurer did likewiſe, in name of the Lords Commiſſioners for England, deliver to the Board the following paper, which was read.

The Lords Commiſſioners for England have conſidered the propoſal made by the Lords Commiſſioners for Scotland the 28th of June laſt, for removing national diſtinctions, and do agree, that the croſſes of St. George and St Andrew be conjoined, when uſed in flags, banners, ſtandards and enſigns, both at ſea and land, with this addition; that the manner of conjoining the ſaid croſſes be left to her Majeſty, and that the enſigns armorial of the united kingdom be ſuch as her Majeſty ſhall appoint.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read

The Lords Commiſſioners for Scotland do agree to the additions contained in the paper delivered by the Lords Commiſſioners for England the 1ſt inſtant, concerning the mint, weights, and meaſures.

Adjourned to Thurſday the 4th inſtant, at ſix in the evening.

Thurſday the 4th of July, 1706.

The Lord Chancellor, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England, in their paper of the third inſtant, having agreed to the propoſal made by the Lords Commiſſioners for Scotland the 28th of June laſt, concerning the ſeals; and having, in the ſaid paper, propoſed a method to be uſed in calling the firſt Parliament of Great Britain; the Lords Commiſſioners for Scotland do agree to the ſaid propoſal.

The Lord Chancellor alſo, in name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England having agreed to the propoſal, made by the Lords Commiſſioners for Scotland the 28th day of June laſt, concerning the conjoining the croſſes of St. Andrew and St. George, with an addition, viz. That the manner of conjoining the ſaid croſſes be left to her Majeſty, and that the enſigns armorial of the united kingdom be ſuch as her Majeſty ſhall appoint; the Lords Commiſſioners for Scotland do agree to the ſaid addition.

The Lords Commiſſioners of both kingdoms did agree, to revive the Committee of eleven of each ſide, nominated the 1ſt of May laſt; and that they meet the morrow morning, in order to the directing the papers and calculations touching the equivalent to be entered in the journal books of the treaty.

Adjourned to Saturday the ſixth inſtant, at 11 o'clock.

Saturday the 6th of July, 1706.

The Earl of Pembroke, Preſident of the Council, in name of the Lords Commiſſioners for England, delivered to the Board the following paper, which was read.

The Lords Commiſſioners who are on the part of England of the Committee of Lords of both kingdoms, nominated the firſt of May laſt, to conſider matters to them referred, having reported to us the Lords Commiſſioners for England, that the ſaid Committee had referred to ſix perſons the ſtating in what proportion the preſent cuſtoms of Scotland, as now let, do bear to the ſeveral branches of that revenue in England, and alſo in what proportion the preſent exciſe upon

liquors

liquors in Scotland, as now let, do bear to the ſeveral branches of that revenue in England, in order to the ſtating of the equivalent that would become due to Scotland, for ſo much of the ſaid two revenues as ſhould be applied towards the payment of the debts of England, which was accordingly done as in No. 1. And that the ſaid ſix perſons had alſo, by their Lordſhips directions, prepared a calculation, what ſo much of the ſaid two revenues of Scotland, as ſhould be applied towards payment of the debts of England, would produce of ready money, as in No. 2. The ſaid ſix perſons had alſo calculated, that in caſe the ſaid two revenues ſhould increaſe (above what they are now let for) 1000l. on cuſtoms, and 1000l. on the exciſe, how much thereof would contribute towards the payment of the debts of England, and for which Scotland is to have an equivalent, as in No. 3. All which papers their Lordſhips having now laid before us, we the Lords Commiſſioners for England do agree to the ſame, and that all the ſaid papers be entered by the reſpective Secretaries in the journals of this treaty.

Adjourned to Tueſday the 9th inſtant, at 5 in the evening.

OBSERVATION XIII.

I might make obſervations here upon the manner of ſtating the equivalent; for in a matter of that moment it is not to be doubted but there were various judgments paſſed, projects founded, and propoſals made on every ſide for the bringing this difficult thing to bear, in which every body ſpoke according to their ſeveral judgments, and as I noted before, every man ſuppoſed this ſuch an inſuperable difficulty, that it would never have been maſtered in the treaty, and therefore various ſchemes were made.

The main difficulty, as I have hinted already, was the propoſal itſelf of an equivalent, and indeed without this it had been impoſſible to bring this Union to a concluſion; nor was the way ever ſeen clear towards a Union, till the project of an equivalent was thought of. The manner of it therefore might conſequently be ſuppoſed to introduce equal difficulty. Some propoſed it in an annual payment of intereſt to Scotland of 30,000l. per annum, or 600,000l. in money, to be ſtated at 5l. per cent.

But the people that made theſe propoſals, built upon the ſuppoſition of the Scots revenues paying a far greater ſhare of the Engliſh debt, than upon a further ſearch into the ſeveral articles appeared probable; and at beſt built upon imaginary increaſes on one ſide, and imaginary expences on the other, as will appear by the following ſchemes of the improved taxes of Scotland after the Union.

An Eſtimate of what the Revenue of Scotland may produce after the Union, when upon the Foot of the Engliſh taxes.

Cuſtoms — — — —	70,000
Exciſe — — — —	40,000
Malt and ſalt taxes — —	40,000
Crown lands — — —	6,000
Stamped paper, &c. — —	10,000
Land tax — — —	50,000
	216,000l. per annum.

I ſhould not record this imaginary and erroneous ſcheme, but to illuſtrate and ſhew the neceſſity and original of the true; perhaps the author of this ſcheme had as near a view as any body at that time of day could come at.

But when the Commiſſioners on both ſides came to form themſelves into a Committee to ſtate this ſo as that neither kingdom might object, they found themſelves under a neceſſity of keeping a medium between two dangerous extremes, that the Scots on one hand might not plead a diſparity of allowance, and conſequently deny its being an equivalent, which would overthrow the foundation; and the Engliſh might not complain they were wronged in the calculation, and paid more for the proportion than it was worth.

To bring this therefore to a head, they went back to the principles, which was an infallible rule to judge by, and taking the cuſtoms and exciſes of Scotland, which were the only taxes which could be appropriated to the payment of Engliſh debts, and ſtating them at the preſent produce, as they were then farmed out, they advance to the Scots as much money as the annual produce of thoſe ſums appropriated as above comes to. This was capable of a moſt exact calculation to the leaſt fraction, and was exactly caſt up as in the tables annexed to the minutes, which I have alſo printed, that poſterity may ſee how exactly this matter was carried between both, and may for ever be ſatisfied with the juſtice which was done them in either nation.

The calculation being made exactly for the preſent revenue of Scotland, it was not for the Commiſſioners to attempt a real advance upon imaginary increaſes, which might or might not come to paſs, as trade might or might not be enlarged by the Union. But to remove all poſſible objections, they firſt ſtate how much ſhall be appropriated to the payment of the Engliſh debts, upon every thouſand pounds that any of the revenues of Scotland ſhall thereafter advance, and then appointing an exact account to be kept of ſuch advance, agree that Scotland ſhall be re-imburſed by way of equivalent, as much as ſhall be paid out of ſuch advanced revenues, and that Commiſſioners be appointed

appointed both to ſee the calculations made and accompts kept, and alſo to pay the ſaid equivalent as it becomes due.

This was ſo clear, ſo juſt, and ſo unexceptionable a method, that it could admit of no diſpute, and brought the moſt intricate part of the whole treaty to a happy concluſion.

The queſtion about the manner of payment was now all that remained, and the propoſal for an annual intereſt found no room; for this had been but the ſame thing with letting the revenues of Scotland pay themſelves as it came in; nor could it enable Scotland to anſwer the incumbrances which were then upon her, and which it behoved her to clear herſelf of to make way for the Union, ſuch as the paying of, or purchaſing the capital ſtock of the African Company, &c. making good the deficiency of the coin, paying the public debts, &c.

To ſolve this, the calculation being made, they propoſed to eſtimate the value of the proportions which Scotland would ſo pay of the Engliſh debts, and reduce them to a rate in preſent money, according to the common eſtimates then current for advanced payment to the Government; and that then England ſhould pay the full ſum down in ready money, the payment to become due upon the ſigning the Union.

This was thought not only juſt, but advantageous to Scotland, and indeed neceſſary to her, to ſupply the ſtagnation which might be upon the current caſh of that kingdom on the alteration of the coin, and to cauſe money to circulate among them, which was then much wanted.

This part of the calculation I have therefore cauſed to be printed here as it ſtands in the books of the Commiſſioners, to clear up the particulars, and to convince the niceſt objectors with what exactneſs and equal proportion every part of this tranſaction was carried on.

An Account of the Value of the Annual Sums contributed out of the Cuſtoms of Scotland (according to the preſent Produce thereof) towards the anticipated Funds of the Cuſtoms of England, viz.

2605l. per annum from March 25, 1707, until June 24, 1710, eſtimated in preſent money — — —	7577
15798l. per annum from March 25, 1707 to Auguſt 1, 1710, eſtimated at — — — —	47506
3578l. per annum from March 25, 1707, to September 30, 1710, eſtimated at — — —	11251
1780l. per annum from March 25, 1707, for 98 years, commencing March 8, 1708, at the rate of fifteen years and three months purchaſe, comes to — —	27145
23761l. per annum from the Cuſtoms.	
£. 93479	

A Com-

A Computation of the Value of the Annual Sums contributed out of the Scotch Exciſe (eſtimated at 33500l. per annum) towards the anticipated Exciſe Funds in England, viz.

	£.	S.
6802l. per annum out of the exciſe in Scotland towards payment of annuities for 99 years, which are charged on the 3700l. a week ariſing out of the hereditary and temporary exciſe in England, at 15 years three months purchaſe, comes to	103730	10
4682l. per annum contributed out of the exciſe in Scotland, towards payment of annuities, amounting to 132433l. per annum charged on 9d. per barrel exciſe in England, whereof 124866l. per annum is for the remainder of a term of 99 years, commencing January 25, 1692, and 7567l. per annum for lives with the advantage of ſurvivorſhip; ſo that 4415l. of the 4682l. per annum, will be for the remainder of the ſaid term of 99 years, and 267l. thereof for lives, with the advantage of ſurvivorſhip; and ſo much thereof as is for the remainder of a term of 99 years, being rated at 15 years and three months purchaſe, comes to 67328l. 15s. and the remainder being deemed of equal value with a term of 30 years, comes to 3675l. in the whole.	71003	15
4860l. per annum contributed out of the exciſe in Scotland, towards payment of 137460l. per annum charged on another 9d. per barrel exciſe in England, part in perpetuity, part for 99 years, part for 3 lives, and part for 2 lives, whereof 3536l. of the ſaid 4860l. per annum will be in perpetuity, 542l. for 99 years, 74l. for 3 lives, and 708l. for 2 lives, ſo much as is in perpetuity and for 99 years being rated at 15 years and 3 months purchaſe, ſo much as is for 3 lives being rated at 12 years purchaſe, and ſo much as is for 2 lives at 11 years purchaſe, amount in the whole at thoſe rates to	70865	10
3699l. per annum, contributed out of the exciſe in Scotland, for payment of annuities charged on another 9d. per barrel exciſe in England for 99 years, at 15 years and three months purchaſe, comes to	56409	15
Carried over	£. 302009	10

Brought forward —	302009	10
893l. per annum, contributed out of the exciſe in Scotland, for 3 years and 3 months, commencing March 25, 1707, applicable as the duty on low wines in England for that time, is computed to be worth —— ——	2597	
	£. 304606	10
From the cuſtoms — —	93479	
Total ſum, being the ſame as the equivalent	£. 398085	10

From this calculation it alſo appears, that every 1000l. increaſe on the exciſe will pay towards the debts of England — — — £. 625
Ditto on the cuſtoms —— —— —— 792

Tueſday the 9th of July, 1706.

The Lords Commiſſioners of both kingdoms agreed to revive the Committee of eight, who were nominated to draw up the heads of the treaty in form, and that they meet to-morrow morning.

Adjourned to Thurſday the 11th inſtant, at 11 o'clock in the forenoon.

Thurſday the 11th of July, 1706.

The Lord Keeper, in the name of the Lords Commiſſioners for England, delivered to the Board the following propoſals, which were read.

The Lords Commiſſioners for England do propoſe, that the Union of both kingdoms ſhall take place upon the firſt day of May, 1707, and their Lordſhips do alſo propoſe, that if her Majeſty, on or before the ſaid firſt day of May, ſhall declare under the great ſeal of England, that it is expedient that the Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhould be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England; then the ſaid Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhall be the Members of the reſpective Houſes of the firſt Parliament of Great Britain; and her Majeſty may, by her royal proclamation, under the great ſeal of Great Britain, appoint the ſaid firſt Parliament of Great Britain to meet at ſuch time and place as her Majeſty ſhall think fit, which time ſhall not be leſs than forty-two days after the date of ſuch proclamation; and the time and place of the meeting of ſuch Parliament being ſo appointed, a writ ſhall be immediately iſſued under the great ſeal of Great Britain, directed to the Privy Council of Scotland, for the ſummoning the ſixteen Peers, and for electing forty-

forty-five members, by whom Scotland is to be repreſented in the Parliament of Great Britain; and the Lords of Parliament of England, and the ſixteen Peers of Scotland, ſuch ſixteen Peers being ſummoned and returned in the manner agreed in this treaty; and the members of the Houſe of Commons of the ſaid Parliament of England, and the forty-five members for Scotland, ſuch forty-five members being elected and returned in the manner agreed in this treaty, ſhall aſſemble and meet reſpectively in the reſpective Houſes of the Parliament of Great-Britain, at ſuch time and place as ſhall be ſo appointed by her Majeſty, and ſhall be the two Houſes of the firſt Parliament of Great Britain; and that Parliament may continue for ſuch time only as the preſent Parliament of England might have continued, if the Union of the two kingdoms had not been made, unleſs ſooner diſſolved by her Majeſty.

And the Lords Commiſſioners for England do likewiſe propoſe, That every one of the ſaid ſixteen Peers of Scotland, and every one of the ſaid forty-five Members for Scotland ſhall, before they ſit or vote in the reſpective Houſes of Parliament of Great Britain, take the reſpective oaths, and ſubſcribe the Declaration in the ſame manner as the Lords and Members of both Houſes of Parliament in England are obliged to take and ſubſcribe, by virtue of any act or acts of Parliament now in force in England, upon the penalties therein contained.

Adjourned to Saturday the 13th inſtant, at 11 o'clock in the forenoon.

Saturday the 13th of July, 1706.

The Lord Chancellor, in the name of the Lords Commiſſioners for Scotland, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for Scotland do agree to the paper delivered by the Lords Commiſſioners for England the 11th inſtant, with this alteration to the firſt part of the ſaid paper, that whereas the ſaid Commiſſioners for England do propoſe, that the firſt Parliament of Great Britain be appointed to meet at ſuch time and place as her Majeſty ſhall think fit, which time ſhall not be leſs than forty-two days after the date of ſuch proclamation, as in the ſaid propoſal is mentioned; the Lords Commiſſioners for Scotland do propoſe, that the time for meeting of the ſaid Parliament ſhall not be leſs than fifty days after the date of ſuch proclamation; and as to the ſecond part of the ſaid propoſal, the Lords Commiſſioners for Scotland do agree to the ſame in the terms following: That every one of the Lords of Parliament of Great-Britain, and every Member of the Houſe of Commons of the Parliament of Great Britain, in the firſt and all ſucceeding Parliaments of Great-Britain, until the Parliament of Great Britain ſhall otherwiſe direct, ſhall, before they ſit or vote in the reſpective Houſes of the Parliament of Great-Britain, take the reſpective oaths appointed

appointed to be taken inſtead of the oaths of allegiance and ſupremacy, by an act of Parliament made in England, in the firſt year of the reign of the late King William and Queen Mary, intituled, *An Act for the Abrogating of the Oaths of Allegiance and Supremacy, and appointing other Oaths*, and make, ſubſcribe, and audibly repeat the declaration mentioned in an act of Parliament made in England in the 30th year of the reign of King Charles the Second, intituled, *An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament*; and ſhall take and ſubſcribe the oath mentioned in an act of Parliament made in England, in the firſt year of her Majeſty's reign, intituled, *An Act to declare the Alterations in the Oath appointed to be taken by the Act*, intituled, *An Act for the further Security of His Majeſty's Perſon, and the Succeſſion of the Crown in the Proteſtant Line, and for extinguiſhing the hopes of the pretended Prince of Wales, and all other Pretenders, and their open and ſecret Abettors, and for declaring the Aſſociation to be determined*, upon the penalty and diſabilities in the ſaid reſpective acts contained; and the Lords Commiſſioners for Scotland do further propoſe, that theſe words, *the Crown of this Realm*, and the *Queen of this Realm*, mentioned in the oaths and declaration contained in the aforeſaid acts, which were intended to ſignify the crown and realm of England, may be underſtood of the crown and realm of Great Britain, united by the acts of the reſpective Parliaments ratifying this treaty, and that the oaths and declaration be taken and ſubſcribed by the members of both Houſes of the Parliament of Great Britain in that ſenſe.

The Lords Commiſſioners for England withdrew, and being returned, the Lord Keeper, in their Lordſhips names, delivered to the Board the following paper, which was read.

The Lords Commiſſioners for England, having conſidered the paper delivered at this meeting by the Lords Commiſſioners for Scotland, do agree to the ſeveral matters therein propoſed.

Adjourned to Tueſday the 16th inſtant, at 11 o'clock, forenoon.

OBSERVATION XIV.

The affair of the African Company, and the equivalent, being thus ſettled, there was nothing now before them but things of ſmall moment, and eaſily adjuſted, ſuch as the quartering of the arms, uniting the croſſes, and ſettling the banners, enſigns and trophies of the united kingdoms, regulating weights and meaſures, the methods of calling and regulating the Parliament, and the ſummoning the Members, and the like; in all which the Commiſſioners on both ſides had little more to do, than to propoſe and agree, ſo all things proceeded ſmoothly and eaſily; and the articles being finiſhed, were with all poſ-

ſible ſpeed engroſſed, ſigned and preſented to the Queen, in manner as per the minute; the treaty having continued from the 16th of April to the 23d of July incluſive, being ſo happily finiſhed as gave an univerſal ſatisfaction to all the kingdom, and at firſt, to all appearance, was received with equal joy in either part of the iſland.

Tueſday the 16th of July, 1706.

The draught of the articles of Union was read by the reſpective Secretaries, and the Lords Commiſſioners of both kingdoms ordered the ſame to be engroſſed againſt the next meeting.

Adjourned to Monday the 22d inſtant, at 5 in the evening.

Monday the 22d of July, 1706.

The Lords Commiſſioners for both kingdoms, ſigned and ſealed the inſtruments or writings, containing the articles of Union, conformable to their reſpective Commiſſions.*

Ordered, That the reſpective Secretaries of each Commiſſion do ſign each other's journals of the proceedings.

Ordered, That the reſpective Secretaries, after ſigning their journals, enter in the journals the articles of the treaty of Union.

Adjourned to Tueſday the 23d of July, 1706, at 12 o'clock.

Tueſday the 23d of July, 1706.

The Lords Commiſſioners for both kingdoms went from the Cockpit to attend the Queen at St. James's, where the Lord Keeper, in the name of the Lords Commiſſioners for England, made the following ſpeech, and preſented to her Majeſty one of the ſigned and ſealed inſtruments or writings containing the articles of Union on the part of England.

" May it pleaſe your Majeſty,

" WE the Commiſſioners appointed by your Majeſty, in purſuance of the " act of Parliament paſſed in your kingdom of England, to treat concerning an " Union of the two kingdoms, with the Commiſſioners for Scotland, do (ac- " cording to our duty) humbly beg leave to preſent to your Majeſty theſe the " effects of our continued and faithful endeavours towards that end.

" They are the articles agreed upon between your Commiſſioners of both " kingdoms, as the terms or conditions upon which the intended Union is to " take place, if your Majeſty and the Parliaments of both kingdoms ſhall think " fit to approve and confirm the ſame.

" In

" In theſe we have come to an agreement on every point, we judged neceſſary " to effect a compleat and laſting Union, and we have endeavoured not to ſtir " into any matter we had reaſon to think was not ſo.

" And although we have unanimouſly carried this treaty thus far, purely from " a conviction, that we have done therein to God, your Majeſty, and our country's " good ſervice; yet we are far from thinking that what we have done will, or " ought to be of any weight or authority elſewhere; but do moſt entirely ſub- " mit theſe our labours to the high wiſdom of your Majeſty, and both your Par- " liaments, to ſtand or fall by the reaſon, juſtice, and public utility on which " they are founded.

" Your Majeſty's royal preſence and ſeaſonable admonitions to us at the fitteſt " junctures were (we moſt thankfully acknowledge) a very great encouragement " and aſſiſtance to us, in the difficulties we met with.

" Your Majeſty's glory is already perfect, and the finiſhing this work is all " that is wanting to compleat as well as ſecure the happineſs of ſo great a peo- " ple, as your ſubjects may now, without any arrogance pretend to be.

" May your Majeſty live not only to give a ſanction of this univerſal bleſſing " to all your people, but alſo to ſee, in a long and proſperous reign over us, " the many immediate (or near) good effects of it; but as for that great and " main conſequence of it, for which your Majeſty is making, by a moſt gracious " and charitable foreſight, this only effectual proviſion, I mean the continuance " of peace and tranquillity in this iſland, upon a deſcent of the crown, inſtead " of that bloodſhed and diſtraction which would probably follow upon the fatal " diviſion of it; may we be ſo happy as never, in our days, to experience the " fitneſs of theſe meaſures your Majeſty is now taking for that end! But may late " very late poſterity, only in that reſpect, reap the advantage of them."

The Lord Chancellor of Scotland, in name of the Lords Commiſſioners for Scotland, made the following ſpeech, and preſented to her Majeſty one of the ſigned and ſealed inſtruments or writings, containing the articles of Union on the part of Scotland.

" May it pleaſe your Majeſty,

" THE Commiſſioners appointed by your Majeſty for the kingdom of " Scotland, to treat of an Union of your two kingdoms of Scotland and Eng- " land, have commanded me to return your Majeſty their moſt humble and duti- " ful acknowledgments, for the honour your Majeſty has conferred on them, in " employing them to negociate this moſt important affair, which is of the greateſt " conſequence to all your Majeſty's ſubjects.

" We have endeavoured to diſcharge this truſt with all fidelity, and are now " come humbly to lay before your Majeſty the articles and conditions of Union,

" which we have treated of, and agreed upon, and do ſubmit them to your Ma-
" jeſty's royal conſideration.

" It is a great ſatisfaction to us, that what we have concluded in this matter
" has been done with unanimity; and we muſt own, that the knowledge we had
" of your Majeſty's great concern for uniting your two kingdoms, and the
" earneſtneſs with which your Majeſty has been moſt graciouſly pleaſed to re-
" commend it, hath enabled us to bring this treaty to a happy and ſpeedy con-
" cluſion, to the mutual ſatisfaction of the Commiſſioners on both ſides; and
" we ſhall eſteem it our greateſt happineſs, if what we have prepared be accept-
" able to your Majeſty, and ratified by the Parliaments of both kingdoms,
" without which, what we have done can be of no authority.

" An Union of the two kingdoms has been long wiſhed for, it being ſo neceſ-
" ſary for eſtabliſhing the laſting peace, happineſs, and proſperity of both nations;
" and though it has been frequently endeavoured by your Majeſty's royal pre-
" deceſſors, without the deſired ſucceſs, yet the glorious ſucceſſes, with which
" God has bleſſed your Majeſty's endeavours for the happineſs of your people,
" make us hope, that this great work is reſerved to be accompliſhed in your
" Majeſty's reign."

After which, Her Majeſty was graciouſly pleaſed to make the following ſpeech.

" My Lords,

" I give you many thanks for the great pains you have taken in this treaty,
" and am very well pleaſed to find your endeavours and applications have brought
" it to ſo good a concluſion. The particulars of it ſeem ſo reaſonable, that I
" hope they will meet with approbation in the Parliaments of both kingdoms.
" I wiſh therefore, that my ſervants of Scotland may loſe no time in going down
" to propoſe it to my ſubjects of that kingdom; and I ſhall always look upon
" it as a particular happineſs, if this Union (which will be ſo great a ſecurity
" and advantage to both kingdoms) can be accompliſhed in my reign."

OBSERVATION XV.

And thus this mighty affair was brought to a concluſion.

What difficulties it met with afterwards;—how it became the averſion of thoſe very people, who, it was generally thought, it had been particularly furniſhed to preſerve;—what oppoſition it met with;—with what difficulty finiſhed, and how hardly ſupported, when carried through, eſpecially in Scotland, ſhall be the ſubject of the enſuing part of this work.

As to the ſtate of the debts and revenue of either nation, from whence the ſeveral calculations were made, and the ſtate of the equivalent formed, they are printed from the originals, and added in the Appendix to this work.

THE

THE ARTICLES OF UNION,

As they were treated on and agreed to at London, to which the Minutes aforeſaid, with the Obſervations, refer.

Agreed on the Twenty Second Day of July, in the Fifth Year of the Reign of Her Moſt Excellent Majeſty Anne by the Grace of God Queen of Scotland, England, France and Ireland, Defender of the Faith, &c, and in the Year of our Lord One Thouſand Seven Hundred and Six, by the Commiſſioners nominated on Behalf of the Kingdom of Scotland, bearing Date the Twenty Seventh Day of February laſt paſt; in purſuance of the Fourth Act of the Third Seſſion of Her Majeſty's Current Parliament of Scotland, in the Fourth Year of Her Majeſty's Reign; and the Commiſſioners nominated on the Behalf of the Kingdom of England, under her Majeſty's Great Seal of England, bearing Date at Weſtminſter the Tenth Day of April laſt paſt; in purſuance of an Act of Parliament made in England the Third Year of Her Majeſty's Reign, to Treat of and concerning an Union of the ſaid Kingdoms: Which Articles are in all Humility to be preſented to the Queen's moſt Excellent Majeſty, and offered to the Conſideration of the Reſpective Parliaments of both Kingdoms, purſuant to the ſaid Acts and Commiſſions.

I. THAT the two Kingdoms of Scotland and England ſhall, upon the firſt day of May next enſuing the date hereof, and for ever after, be united into one kingdom by the name of Great Britain; and that the enſigns armorial of the ſaid united kingdom be ſuch as her Majeſty ſhall appoint, and the croſſes of St. Andrew and St. George be conjoined in ſuch manner as her Majeſty ſhall think fit, and uſed in all flags, banners, ſtandards, and enſigns, both at ſea and land.

II. That the ſucceſſion to the Monarchy of the united kingdom of Great Britain, and of the dominions thereunto belonging, after her moſt ſacred Majeſty, and in default of iſſue of her Majeſty, be, remain, and continue to the moſt excellent Princeſs Sophia, Electoreſs and Dutcheſs Dowager of Hanover, and the heirs of her body, being Proteſtants, upon whom the Crown of England is ſettled by an Act of Parliament made in England in the twelfth year of the reign of his late Majeſty King William the Third, entitled, *An Act*

Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject: And that all Papiſts, and perſons marrying Papiſts, ſhall be excluded from, and for ever incapable to inherit, poſſeſs, or enjoy the imperial Crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every ſuch caſe, the Crown and Government ſhall from time to time deſcend to, and be enjoyed by ſuch perſon being a Proteſtant, as ſhould have inherited and enjoyed the ſame, in caſe ſuch Papiſts or perſon marrying a Papiſt, was naturally dead, according to the proviſion for the deſcent of the Crown of England, made by another act of Parliament in England, in the firſt year of the reign of their late Majeſties King William and Queen Mary, entitled, *An Act declaring the Rights and Liberties of the Subject, and ſettling the Succeſſion of the Crown.*

III. That the united kingdom of Great Britain be repreſented by one and the ſame Parliament, to be ſtyled the Parliament of Great-Britain.

IV. That all the ſubjects of the united kingdom of Great Britain ſhall, from and after the Union, have full freedom and intercourſe of trade and navigation, to and from any port or place within the ſaid united kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges and advantages, which do, or may belong to the ſubjects of either kingdom, except where it is otherways expreſsly agreed in theſe articles.

V. That all ſhips belonging to her Majeſty's ſubjects of Scotland, at the time of ſigning this treaty for the Union of the two kingdoms, though foreign built, ſhall be deemed and paſs as ſhips of the build of Great Britain, the owner, or where there are more owners, one or more of the owners, within twelve months after the Union, making oath, that at the time of ſigning the ſaid treaty, the ſame did belong to him or them, or to ſome other ſubject or ſubjects of Scotland, to be particularly named, with the places of their reſpective abodes, and that the ſame doth then belong to him or them, and that no foreigner, directly or indirectly, hath any ſhare, part, or intereſt therein: Which oath ſhall be made before the chief officer or officers of the Cuſtoms in the port next to the abode of the ſaid owner or owners; and the ſaid officer or officers ſhall be impowered to adminiſter the ſaid oath; and the oath being ſo adminiſtered, ſhall be atteſted by the officer or officers who adminiſtered the ſame; and being regiſtered by the ſaid officer or officers, ſhall be delivered to the maſter of the ſhip, for ſecurity of her navigation, and a duplicate thereof ſhall be tranſmitted by the ſaid officer or officers to the chief officer or officers of the cuſtoms in the port of Edinburgh, to be there entered in a regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all trading ſhips belonging to Great Britain.

VI. That

VI. That all parts of the united kingdom for ever, from and after the Union, ſhall have the ſame allowances and encouragements, and be under the ſame prohibitions, reſtrictions and regulations of trade, and liable to the ſame cuſtoms and duties on import and export; and that the allowances, encouragements, prohibitions, reſtrictions and regulations of trade, and the cuſtoms and duties on import and export ſettled in England when the Union commences, ſhall, from and after the Union, take place throughout the whole united kingdom.

VII. That all parts of the united kingdom be for ever, from and after the Union, liable to the ſame exciſes upon all exciſeable liquors; and that the exciſe ſettled in England on ſuch liquors, when the Union commences, take place throughout the whole united kingdom.

VIII. That from and after the Union, all foreign ſalt which ſhall be imported into Scotland, ſhall be charged at the importation there, with the ſame duties as the like ſalt is now charged with, being imported into England, and to be levied and ſecured in the ſame manner: But Scotland ſhall, for the ſpace of ſeven years from the ſaid Union, be exempted from the paying in Scotland for ſalt made there, the duty or exciſe now payable for ſalt made in England; but, from the expiration of the ſaid ſeven years, ſhall be ſubject and liable to the ſame duties for ſalt made in Scotland, as ſhall be then payable for ſalt made in England, to be levied and ſecured in the ſame manner, and with the like draw-backs and allowances as in England. And during the ſaid ſeven years, there ſhall be paid in England for all ſalt made in Scotland, and imported from thence into England, the ſame duties upon the importation, as ſhall be payable for ſalt made in England, to be levied and ſecured in the ſame manner as the duties on foreign ſalt are to be levied and ſecured in England: and that, during the ſaid ſeven years, no ſalt whatſoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the ſalt, and the cattle and carriages made uſe of in bringing the ſame, and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionably for a greater or leſſer quantity, for which the carrier, as well as the owner, ſhall be liable jointly and ſeverally; and the perſons bringing or carrying the ſame, to be impriſoned by any one juſtice of the peace by the ſpace of ſix months without bail, and until the penalty be paid; and that, during the ſaid ſeven years, all ſalted fleſh or fiſh exported from Scotland to England, or made uſe of for victualling of ſhips in Scotland, and all fleſh put on board in Scotland, to be exported to parts beyond the ſeas, which ſhall be ſalted with Scots ſalt, or any mixture therewith, ſhall be forfeited and may be ſeized; and that from and after the Union, the laws and acts of Parliament in Scotland, for pining, curing and packing of herrings, white fiſh and ſalmon for exportation, with foreign ſalt only, and for preventing of frauds in curing and packing of fiſh, be continued in force in Scotland, ſubject to ſuch alterations

tions as ſhall be made by the Parliament of Great Britain; and that all fiſh exported from Scotland to parts beyond the ſeas, which ſhall be cured with foreign ſalt only, ſhall have the ſame eaſes, premiums and draw-backs, as are or ſhall be allowed to ſuch perſons as export the like fiſh from England: and if any matters of fraud relating to the ſaid duties on ſalt ſhall hereafter appear, which are not ſufficiently provided againſt by this article, the ſame ſhall be ſubject to ſuch further proviſions as ſhall be thought fit by the Parliament of Great Britain.

IX. That whenever the ſum of one million, nine hundred and ninety-ſeven thouſand, ſeven hundred and ſixty-three pounds, eight ſhillings and four-pence halfpenny, ſhall be enacted by the Parliament of Great-Britain, to be raiſed in that part of the united kingdom now called England, on land and other things uſually charged in acts of Parliament there, for granting an aid to the Crown by a land-tax; that part of the united kingdom, now called Scotland, ſhall be charged by the ſame act with a further ſum of forty-eight thouſand pounds, free of all charges, as the quota of Scotland to ſuch tax, and ſo proportionably for any greater or leſſer ſum raiſed in England by any tax on land, and other things uſually charged together with the land; and that ſuch quota for Scotland, in the caſes aforeſaid, be raiſed and collected in the ſame manner as the ceſs now is in Scotland, but ſubject to ſuch regulations in the manner of collecting, as ſhall be made by the Parliament of Great Britain.

X. That during the continuance of the reſpective duties on ſtamped paper, vellum and parchment, by the ſeveral acts now in force in England, Scotland ſhall not be charged with the ſame reſpective duties.

XI. That during the continuance of the duties payable in England on windows and lights, which determines on the firſt day of Auguſt, one thouſand ſeven hundred and ten, Scotland ſhall not be charged with the ſame duties.

XII. That during the continuance of the duties payable in England on coals, culm and cinders, which determines the thirtieth day of September, one thouſand ſeven hundred and ten, Scotland ſhall not be charged therewith for coals, culm and cinders conſumed there, but ſhall be charged with the ſame duties as in England for all coal, culm and cinders not conſumed in Scotland.

XIII. That during the continuance of the duty payable in England upon malt, which determines the twenty-fourth day of June, one thouſand ſeven hundred and ſeven, Scotland ſhall not be charged with that duty.

XIV. That the kingdom of Scotland be not charged with any other duties laid on by the Parliament of England before the Union, except thoſe conſented to in this treaty; in regard it is agreed, that all neceſſary proviſion ſhall be made by the Parliament of Scotland, for the public charge and ſervice of that kingdom, for the year one thouſand ſeven hundred and ſeven: Providing nevertheleſs,

leſs, that, if the Parliament of England ſhall think fit to lay any farther impoſitions, by way of cuſtoms, or ſuch exciſes, with which, by virtue of this treaty, Scotland is to be charged equally with England; in ſuch caſe, Scotland ſhall be liable to the ſame cuſtoms and exciſes, and have an equivalent to be ſettled by the Parliament of Great Britain. And ſeeing it cannot be ſuppoſed that the Parliament of Great Britain will ever lay any ſorts of burdens upon the united kingdom, but what they ſhall find of neceſſity, at that time, for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom: therefore, it is agreed, that there be no further exemption inſiſted on for any part of the united kingdom; but that the conſideration of any exemptions, beyond what are already agreed on in this treaty, ſhall be left to the determination of the Parliament of Great Britain.

XV. Whereas, by the terms of this treaty, the ſubjects of Scotland, for preſerving an equality of trade throughout the united kingdom, will be liable to ſeveral cuſtoms and exciſes now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union; it is agreed that Scotland ſhall have an equivalent for what the ſubjects thereof ſhall be ſo charged, towards payment of the ſaid debts of England, in all particulars whatſoever, in manner following, viz. That before the union of the ſaid kingdoms, the ſum of 398,085l. 10s. be granted to Her Majeſty by the Parliament of England, for the uſes after-mentioned, being the equivalent to be anſwered to Scotland, for ſuch parts of the ſaid cuſtoms and exciſes upon all exciſeable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the ſaid debts of England, according to the proportions which the preſent cuſtoms in Scotland, being 30,000l. per annum, do bear to the cuſtoms in England computed at 1,341,559l. per annum: and which, the preſent exciſes on exciſeable liquors in Scotland being 33,500l. per annum, do bear to the exciſes on exciſeable liquors in England, computed at 947,602l. per annum; which ſum of 398,085l. 10s. ſhall be due and payable from the time of the Union: and in regard that, after the Union, Scotland becoming liable to the ſame cuſtoms and duties payable on import and export, and to the ſame exciſes on all exciſeable liquors as in England, as well upon that account, as upon the account of the increaſe of trade and people, (which will be the happy conſequence of the Union) the ſaid revenues will much improve beyond the before-mentioned annual values thereof, of which no preſent eſtimate can be made: yet nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent anſwered to Scotland.—It is agreed, that, after the Union, there ſhall be an account kept of the ſaid duties ariſing in Scotland, to

the end it may appear what ought to be anſwered to Scotland, as an equivalent for ſuch proportion of the ſaid increaſe as ſhall be applicable to the payment of the debts of England. And for the further and more effectual anſwering the ſeveral ends hereafter mentioned, it is agreed, that from and after the Union, the whole increaſe of the revenues of cuſtoms, and duties on import and export, and exciſe upon exciſeable liquors in Scotland, over and above the annual produce of the ſaid reſpective duties, as above ſtated, ſhall go and be applied, for the term of ſeven years, to the uſes hereafter mentioned; and that, upon the ſaid account, there ſhall be anſwered to Scotland annually, from the end of ſeven years after the Union, an equivalent in proportion to ſuch part of the ſaid increaſe as ſhall be applicable to the debts of England. And whereas, from the expiration of ſeven years after the Union, Scotland is to be liable to the ſame duties for ſalt made in Scotland, as ſhall then be payable for ſalt made in England; it is agreed, that, when ſuch duties take place there, an equivalent ſhall be anſwered to Scotland, for ſuch part thereof as ſhall be applied towards payment of the debts of England; of which duties an account ſhall be kept, to the end it may appear what is to be anſwered to Scotland as the ſaid equivalent. And generally, that an equivalent ſhall be anſwered to Scotland for ſuch parts of the Engliſh debts as Scotland may hereafter become liable to pay by reaſon of the Union, other than ſuch for which appropriations have been made by Parliament in England of the cuſtoms, or other duties on export and import, exciſes on all exciſeable liquors, or ſalt, in reſpect of which debts equivalents are herein before provided. And as for the uſes to which the ſaid ſum of 398,085l. 10s. to be granted as aforeſaid, and all other monies, which are to be anſwered or allowed to Scotland as aforeſaid, it is agreed, that, out of the ſaid ſum of 398,085l, 10s. all the public debts of the kingdom of Scotland, and alſo the capital ſtock or fund of the African and Indian Company of Scotland advanced, together with the intereſt for the ſaid capital ſtock, after the rate of 5l. per cent. per annum, from the reſpective times of the payment thereof, ſhall be paid: Upon payment of which capital ſtock and intereſt, it is agreed, the ſaid Company be diſſolved and ceaſe; and alſo, that from the time of paſſing the act of Parliament in England, for raiſing the ſaid ſum of 398,085l. 10s. the ſaid Company ſhall neither trade, nor grant licence to trade. And as to the overplus of the ſaid ſum of 398,085l. 10s. after the payment of the ſaid debts of the kingdom of Scotland, and the ſaid capital ſtock and intereſt, and alſo the whole increaſe of the ſaid revenues of cuſtoms, duties and exciſes, above the preſent value, which ſhall ariſe in Scotland during the ſaid term of ſeven years, together with the equivalent which ſhall become due upon account of the improvement thereof in Scotland after the ſaid term; and alſo, as to all other ſums, which, according to the agreements aforeſaid, may become payable to Scotland by way of equivalent for what that kingdom ſhall hereafter become liable

liable towards payment of the debts of England, it is agreed, that the ſame be applied in the manner following, viz. That out of the ſame, what conſideration ſhall be found neceſſary to be had for any loſſes which private perſons may ſuſtain, by reducing the coin of Scotland to the ſtandard and value of the coin of England, may be made good; and afterwards the ſame ſhall be wholly applied towards encouraging and promoting the fiſheries, and ſuch other manufactories and improvements in Scotland as may moſt conduce to the general good of the united kingdom. And it is agreed, that her Majeſty be impowered to appoint Commiſſioners, who ſhall be accountable to the Parliament of Great Britain, for diſpoſing the ſaid ſum of 398,085l. 10s. and all other monies which ſhall ariſe to Scotland upon the agreements aforeſaid, to the purpoſes before mentioned: Which Commiſſioners ſhall be impowered to call for, receive, and diſpoſe of the ſaid monies in the manner aforeſaid, and to inſpect the books of the ſeveral collectors of the ſaid revenues, and of all other duties, from whence an equivalent may ariſe; and that the collectors and managers of the ſaid revenues and duties be obliged to give to the ſaid Commiſſioners ſubſcribed authentic abbreviates of the produce of ſuch revenues and duties ariſing in their reſpective diſtricts; and that the ſaid Commiſſioners ſhall have their office within the limits of Scotland, and ſhall, in ſuch office, keep books containing accounts of the amount of the equivalents, and how the ſame ſhall have been diſpoſed of from time to time, which may be inſpected by any of the ſubjects who ſhall deſire the ſame.

XVI. That, from and after the Union, the coin ſhall be of the ſame ſtandard and value throughout the united kingdom, as now in England, and a mint ſhall be continued in Scotland under the ſame rules as the mint in England, ſubject to ſuch regulations as her Majeſty, her heirs, or ſucceſſors, or the Parliament of Great Britain ſhall think fit.

XVII. That, from and after the Union, the ſame weights and meaſures ſhall be uſed throughout the united kingdom as are now eſtabliſhed in England; and ſtandards of weights and meaſures ſhall be kept by thoſe boroughs in Scotland, to whom the keeping the ſtandards of weights and meaſures, now in uſe there, does of ſpecial right belong: All which ſtandards ſhall be ſent down to ſuch reſpective boroughs from the ſtandards kept in the Exchequer at Weſtminſter, ſubject nevertheleſs to ſuch regulations as the Parliament of Great Britain ſhall think fit.

XVIII. That the laws concerning regulation of trade, cuſtoms, and ſuch exciſes to which Scotland is by virtue of this treaty to be liable, be the ſame in Scotland, from and after the Union, as in England; and that all other laws in uſe within the kingdom of Scotland, do after the Union, and notwithſtanding

thereof, remain in the ſame force as before, (except ſuch as are contrary to, or inconſiſtent with the terms of this treaty) but alterable by the Parliament of Great Britain; with this difference betwixt the laws concerning public right, policy, and civil government, and thoſe which concern private right, that the laws which concern public right, policy, and civil government, may be made the ſame throughout the whole united kingdom; but that no alteration be made in laws which concern private right, except for evident utility of the ſubjects within Scotland.

XIX. That the Court of Seſſion, or College of Juſtice, do after the Union, and notwithſtanding thereof, remain in all time coming within Scotland as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union; ſubject nevertheleſs to ſuch regulations for the better adminiſtration of juſtice, as ſhall be made by the Parliament of Great Britain; and that the Court of Juſticiary do alſo, after the Union, and notwithſtanding thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union, ſubject nevertheleſs to ſuch regulations as ſhall be made by the Parliament of Great Britain, and without prejudice of other rights of juſticiary; and that all Admiralty juriſdictions be under the Lord High Admiral, or Commiſſioners for the Admiralty of Great Britain for the time being; and that the Court of Admiralty now eſtabliſhed in Scotland be continued, and that all reviews, reductions, or ſuſpenſions, of the ſentences in maritime caſes, competent to the juriſdiction of that Court, remain in the ſame manner after the Union, as now in Scotland, until the Parliament of Great Britain ſhall make ſuch regulations and alterations as ſhall be judged expedient for the whole united kingdom, ſo as there be always continued in Scotland a Court of Admiralty, ſuch as is in England, for determination of all maritime caſes relating to private rights in Scotland, competent to the juriſdiction of the Admiralty Court; ſubject nevertheleſs to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain; and that the heretable rights of Admiralty and Vice-Admiralties in Scotland be reſerved to the reſpective proprietors as rights of property, ſubject nevertheleſs, as to the manner of exerciſing ſuch heretable rights, to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain; and that all other Courts now in being within the kingdom of Scotland do remain, but ſubject to alterations by the Parliament of Great Britain; and that all inferior courts within the ſaid limits do remain ſubordinate, as they are now, to the ſupreme courts of juſtice within the ſame, in all time coming; and that no cauſes in Scotland be cognizable by the Courts of Chancery, Queen's-Bench, Common-Pleas, or any other Court in Weſtminſter-hall; and that the ſaid Courts, or any other of the like nature, after the Union, ſhall have

no

no power to cognize, review, or alter the acts or ſentences of the judicatures within Scotland, or ſtop the execution of the ſame; and that there be a Court of Exchequer in Scotland, after the Union, for deciding queſtions concerning the revenues of cuſtoms and exciſes there, having the ſame power and authority, in ſuch caſes, as the Court of Exchequer has in England; and that the ſaid Court of Exchequer in Scotland have power of paſſing ſignatures, gifts, tutories, and in other things, as the Court of Exchequer at preſent in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be ſettled by the Parliament of Great Britain in Scotland, after the Union; and that, after the Union, the Queen's Majeſty, and her royal ſucceſſors, may continue a Privy Council in Scotland, for preſerving of public peace and order, until the Parliament of Great Britain ſhall think fit to alter it, or eſtabliſh any other effectual method for that end.

XX. That all heretable offices, heretable juriſdictions, offices for life, and juriſdictions for life, be reſerved to the owners thereof, as rights of property, in the ſame manner as they are now enjoyed by the laws of Scotland, notwithſtanding of this treaty.

XXI. That the rights and privileges of the royal-boroughs in Scotland, as they now are, do remain intire, after the Union, and notwithſtanding thereof.

XXII. That by virtue of this treaty, of the Peers of Scotland, at the time of the Union, ſixteen ſhall be the number to ſit and vote in the Houſe of Lords, and forty-five the number of the repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain; and that when her Majeſty, her heirs or ſucceſſors, ſhall declare her or their pleaſure, for holding the firſt or any ſubſequent Parliament of Great Britain, until the Parliament of Great Britain ſhall make further proviſion therein, a writ do iſſue under the great ſeal of the united kingdom, directed to the Privy Council of Scotland, commanding them to cauſe ſixteen Peers, who are to ſit in the Houſe of Lords, to be ſummoned to Parliament, and forty-five Members to be elected to ſit in the Houſe of Commons of the Parliament of Great Britain, according to the agreement in this treaty, in ſuch manner as by the Parliament of Scotland ſhall be ſettled before the Union: And that the names of the perſons ſo ſummoned and elected ſhall be returned by the Privy Council of Scotland, into the court from whence the ſaid writ did iſſue. And that, if her Majeſty, on or before the firſt day of May next, on which day the Union is to take place, ſhall declare, under the great ſeal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhould be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for, and on the part of England, then the ſaid Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhall be the Members of the reſpective

ſpective Houſes of the firſt Parliament of Great Britain, for, and on the part of England: And her Majeſty may, by her royal proclamation, under the great ſeal of Great Britain, appoint the ſaid firſt Parliament of Great Britain to meet at ſuch time and place as her Majeſty ſhall think fit; which time ſhall not be leſs than fifty days after the date of ſuch proclamation; and the time and place of the meeting of ſuch Parliament being ſo appointed, a writ ſhall be immediately iſſued, under the great ſeal of Great Britain, directed to the Privy Council of Scotland, for the ſummoning the ſixteen Peers, and for electing forty-five Members, by whom Scotland is to be repreſented in the Parliament of Great Britain: And the Lords of Parliament of England, and the ſixteen Peers of Scotland, ſuch ſixteen Peers being ſummoned and returned in the manner agreed in this treaty; and the Members of the Houſe of Commons of the ſaid Parliament of England, and the forty-five Members for Scotland, ſuch forty-five Members being elected and returned in the manner agreed in this treaty, ſhall aſſemble and meet reſpectively, in their reſpective Houſes of the Parliament of Great Britain, at ſuch time and place as ſhall be ſo appointed by her Majeſty, and ſhall be the two Houſes of the firſt Parliament of Great Britain; and that Parliament may continue for ſuch time only as the preſent Parliament of England might have continued, if the Union of the two kingdoms had not been made, unleſs ſooner diſſolved by her Majeſty; and that every one of the Lords of Parliament of Great Britain, and every Member of the Houſe of Commons of the Parliament of Great Britain, in the firſt and all ſucceeding Parliaments of Great Britain, until the Parliament of Great Britain ſhall otherwiſe direct, ſhall take the reſpective oaths appointed to be taken inſtead of the Oaths of Allegiance and Supremacy, by an act of Parliament made in England, in the firſt year of the reign of the late King William and Queen Mary, intitled, *An act for the abrogating of the Oaths of Supremacy and Allegiance, and appointing other oaths*; and make, ſubſcribe, and audibly repeat the Declaration mentioned in an act of Parliament made in England, in the thirtieth year of the reign of King Charles the Second, intitled, *An Act for the more effectual preſerving the King's Perſon and Government, by diſabling Papiſts from ſitting in either Houſe of Parliament*; and ſhall take and ſubſcribe the oath mentioned in an act of Parliament made in England, in the firſt year of her Majeſty's reign, entitled, *An act to declare the alterations in the Oath appointed to be taken by the act, intitled, An act for the further ſecurity of His Majeſty's Perſon, and the ſucceſſion of the crown in the Proteſtant line, and for extinguiſhing the hopes of the pretended Prince of Wales, and all other pretenders, and their open and ſecret abettors*; and for declaring the Aſſociation to be determined at ſuch time, and in ſuch manner, as the Members of both Houſes of Parliament of England are, by the ſaid reſpective acts, directed to take, make, and ſubſcribe the ſame, upon the penalties and diſabilities in the ſaid reſpective acts contained. And it is declared

declared and agreed, that theſe words, *this realm, the crown of this realm,* and *the Queen of this realm,* mentioned in the Oaths and Declaration, contained in the aforeſaid acts, which were intended to ſignify the Crown and Realm of England, ſhall be underſtood of the Crown and Realm of Great Britain; and that, in that ſenſe, the ſaid Oaths and Declaration be taken and ſubſcribed by the Members of both Houſes of the Parliament of Great Britain.

XXIII. That the aforeſaid ſixteen Peers of Scotland, mentioned in the laſt preceding article, to ſit in the Houſe of Lords of the Parliament of Great Britain, ſhall have all privileges of Parliament, which the Peers of England now have, and which they, or any Peers of Great Britain, ſhall have after the Union, and particularly the right of ſitting upon the trials of Peers: and in caſe of the trial of any Peer, in time of adjournment or prorogation of Parliament, the ſaid ſixteen Peers ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trial, as any other Peers of Great Britain; and that in caſe any trials of Peers ſhall hereafter happen, when there is no Parliament in being, the ſixteen Peers of Scotland, who ſat in the laſt preceding Parliament, ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trials, as any other Peers of Great Britain; and that all Peers of Scotland, and their ſucceſſors to their honours and dignities, ſhall, from and after the Union, be Peers of Great Britain, and have rank and precedency next and immediately after the Peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union; and ſhall be tried as Peers of Great Britain, and ſhall enjoy all privileges of Peers, as fully as Peers of England do now, or as they or any other Peers of Great Britain may hereafter enjoy the ſame, except the right and privilege of ſitting in the Houſe of Lords, and the privileges depending thereon, and particularly the right of ſitting upon the trials of Peers.

XXIV. That from and after the Union, there be one great ſeal for the united kingdom of Great Britain, which ſhall be different from the great ſeal now uſed in either kingdom; and that the quartering the arms as may beſt ſuit the Union, be left to her Majeſty; and that in the mean time the great ſeal of England be uſed as the great ſeal of the united kingdom; and that the great ſeal of the united kingdom be uſed for ſealing writs to elect and ſummon the Parliament of Great Britain, and for ſealing all treaties with foreign Princes and ſtates, and all public acts, inſtruments and orders of ſtate, which concern the whole united kingdom, and in all other matters relating to England, as the great ſeal of England is now uſed: and that a ſeal in Scotland, after the Union, be always kept and made uſe of in all things relating to private rights or grants, which have uſually paſſed the great ſeal of Scotland, and which only concern offices, grants, commiſſions and private rights within that kingdom; and that until ſuch ſeal ſhall be appointed by her Majeſty, the preſent great ſeal of

Scotland ſhall be uſed for ſuch purpoſes; and that the privy ſeal, ſignet, caſſet, ſignet of the Juſticiary Court, quarter ſeal, and ſeals of courts now uſed in Scotland be continued; but that the ſaid ſeals be altered and adapted to the ſtate of the Union, as her Majeſty ſhall think fit; and the ſaid ſeals, and all of them, and the keepers of them, ſhall be ſubject to ſuch regulations as the Parliament of Great Britain ſhall hereafter make.

XXV. That all laws and ſtatutes in either kingdom, ſo far as they are contrary to, or inconſiſtent with the terms of theſe articles, or any of them, ſhall, from and after the Union, ceaſe and become void, and ſhall be ſo declared to be by the reſpective Parliaments of the ſaid kingdoms.

In teſtimony whereof, the Commiſſioners for the reſpective kingdoms, empowered as aforeſaid, have ſet their hands and ſeals to theſe articles, contained in this and the twenty-five foregoing pages, at Weſtminſter the day and year firſt above written.

Seafield, Cancellar,
Queenſberry, C. P. S.
Mar, S.
Loudoun, S.
Sutherland,
Morton,
Wemyſs,
Leven,
Stair,
Roſeberie.
Glaſgow,
Arch. Campbell,
Dupplin,
Roſſe.
Hew Dalrymple,
Ad. Cokburne,
F. Montgomerie,
David Dalrymple,
Pattr. Johnſton,
Ja. Smollett,
W. Moriſon,
Alexander Grantt.
W. Seton,
John Clerk,
Dan. Steuart,
Daniel Campbell.

Tho. Cantuar,
Wm. Couper, C. S.
Godolphin,
Pembroke, P.
Newcaſtle, C. P. S.
Devonſhire,
Somerſet,
Bolton,
Kingſton,
Sunderland,
Orford,
Townſhend,
Twharton,
Poulett,
Somers,
J. Smith,
Hartington,
Granby,
C. Hedges.
Ro. Harley,
H. Boyle,
J. Holt,
Tho. Trevor,
Edw. Northey,
Sim. Harcourt.
J. Cooke,
Stephen Waller.

OF THE CARRYING ON OF THE

TREATY

IN

SCOTLAND.

AND thus the treaty at London ended, which, though it ſeemed very perfect in all its parts, and, as abundance of people thought, could not want any corrections, yet, as by the ſequel appeared, the moſt difficult work was yet to do.

I know ſome were of the opinion, that this treaty could admit of no additions, amendments, or alterations, and that the words in the reſpective acts of Parliament previous to it, (which ſaid, provided that nothing in this treaty ſhould be binding to either nation, unleſs it ſhall be ratified in the reſpective Parliaments of both kingdoms) implied that the reſpective Parliaments had no power to enter into the articles ſeparately and apart, but only debating on the whole, to approve or diſapprove, ratify or reject it as a treaty.

I ſhall not trouble the reader with any of the reaſons given for this notion, nor make any other remark upon it than this,—that the people who were for this opinion, were of two ſorts, and both ſuch as the nations, on either ſide, were very little beholding to.

1. They were ſuch, who having no great concern for the eſſential part of the treaty, viz. the good of their country, were for taking all upon truſt, and concerned not themſelves either with the event, or with the circumſtances, and therefore without any difficulty were willing to put all upon a mere plurality of voices, not much regarding whether it went this way or that. I ſhall be kinder to theſe gentleman than to record their names, or leave them (ſo eminent in folly) to be known by poſterity, leſt their children ſhould be told hereafter how little their country was obliged to them.

2. The other ſort, whoſe follies ought equally to be concealed, I mean as to naming them, were ſuch who were willing to have them put to the queſtion in groſs; preſuming,

1. That either their being ſo voted, would hand them down clogged with ſo many inconveniences as would in time force the nations to break the articles, or bringing them to the neceſſity of falling to pieces, the treaty ſhould diſſolve of courſe. Or,

2. That being voted in general, with ſo many apparent difficulties as they pretended to ſee in them, they would infallibly be loſt in this Parliament, and ſo, as formerly, the whole treaty come to nothing.

That theſe people aimed not at ſhortening the labour, but at cutting off the Union itſelf, is manifeſt, and it was but too apparent afterwards; ſince, generally ſpeaking, they were all againſt the treaty in its future debates, and that in every article; by which they plainly made it appear, that they did not argue ſo much to rectify and amend as to deſtroy; not ſo much to make the articles more perfect, or more explicit, more advantageous, or more ſatisfying; but to annihilate them as articles, and diſſolve the very life and being of the treaty: And this appeared in that through all the debates that happened afterwards, they ſhewed themſelves equally againſt every article, and at the ſame time that they objected againſt things, very ſeldom concerned themſelves to propoſe the alternatives, but rather puſhed at overthrowing the ſubſtance of the thing; and, if poſſible, to urge the moſt neceſſary articles as impracticable and inconſiſtent.

As on the one hand, this diſcovered the deſign of the perſons to be not amending, but deſtroying the articles; ſo it manifeſtly expoſed their ignorance, either of their own ſtrength in Scotland, or of the ſtrength of their friends in the South, in both which parts (had their weak politics prevailed to have put the treaty in general to a vote) they would have loſt it by a majority of voices, the generality of both nations being fully convinced of the abſolute neceſſity of an Union, and would rather have voted it without the amendments than have loſt it.

If I am aſked how I prove this, I think I have a very good foundation for it.

1. In the motions firſt made in the Parliament Houſe in Scotland, November 1, 1706, when the ſtrength of the Houſe, as they call it, was effectually tried.

1. It was moved that the Parliament now proceed to the farther and more particular conſideration of the articles of the Union, in order to approve them or not.

N. B. The articles had been read and diſcourſed on ſeverally in the Houſe, and had taken up ſixteen days barely reading them one by one, to hear what one another could ſay, and to give the Members light into the particulars, viz. from the 15th of October to the 1ſt of November.

2. Upon this firſt motion another followed, viz. That the farther conſideration of the Union be yet delayed for ſome conſiderable time, that the ſentiments of the Parliament of England thereanent be known, and that the Members of Parliament may conſult thoſe they repreſent.—Vide the Minutes of Parliament, Number 13. But neither of theſe attempts could be carried in the Houſe, nor could they bring the motion to a vote in the terms the propoſal was made, viz. Of conſulting Conſtituents, or waiting till the Engliſh Parliament ſhould ſit:—To both which I ſhall ſpeak in their turn. I only mention it here to ſhow that it was apparent theſe motions proceeded only from a deſire

to gain time, which they thought might furniſh a variety of accidents to diſappoint the whole. And the many weak attempts and low ſteps ſome gentlemen took, if poſſible to delay the proceedings, plainly ſhewed the very juncture of time when this was doing, was one of the greateſt unhappineſſes, as they thought it, which befel the party.

2. But I prove this further by the unanimity of the Engliſh Parliament in paſſing the treaty, and ratifying, without any amendment, what they thought they had clogged with ſo many inequalities on the other ſide, that it could never go down with them.

I ſhall further convince the reader of the manifeſt deſign of the party againſt the Union, as ſuch, from their frequent attempts to clog the articles with ſuch things as they knew it was impoſſible the Parliament of England could grant; as a liberty to export wool, &c. different drawbacks, and different prohibitions in trade, differing and diſproportioned exciſes, cuſtoms and taxes, &c. of which I ſhall take the freedom to ſpeak in their turn.

But being diſappointed in theſe, they found the Parliament of England ſo unanimous, that they paſſed all their amendments, ſome of which were ſuch as the party having merely clamoured the Houſe into, were really paſt, not ſo much for any reſpect to their true ſignification, as for the ſake of giving ſome ſatisfaction to uneaſy people.

How much more then the Parliament of England would have paſſed the whole treaty unaltered, is very evident, and conſequently it is as plain that theſe people had taken no aim in their offering to vote the articles in the groſs, upon a preſumption that it would be a mean to make the whole miſcarry.

The treaty being concluded in England, and the Commiſſioners ſeparated; the next thing was the meeting of the reſpective Parliaments of the two kingdoms for ratification of the articles.

The Parliament of Scotland was firſt, being to meet the third of October, 1706. The Queen was repreſented in this Parliament by the Duke of Queenſberry. I know it is not the part of a hiſtorian to make panegyrics, and I think I have given demonſtrations to the world, as to myſelf, that I will flatter no man. But I cannot but give this teſtimony here, that the prudence, calmneſs, temper and moderation of this noble perſon, had theſe two viſible effects.

1. It gave a wonderful teſtimony to the Queen's judgment, and the right notions ſhe had entertained of the true ſtate, not of her affairs only, but of her people, that her Majeſty knew this work muſt be carried on, not by too much fire or too much water; neither by want of zeal or too much zeal; that there was an inſolent party to deal with, who muſt be borne with, not exaſperated; calmed, not enraged. That there would be as much difficulty required to deal

with friends as with enemies, to reconcile jarring intereſts, claſhing parties, and keep all in temper. There was a ſtrong party for the Union, but they were made up of ſeveral parties, juſt come together as for the occaſion; they were like Epicurus's atoms, by a ſtrange fortuitous chance of concurring circumſtances, brought to join in this, who were perfect antipodes in all their former meaſures, and could never agree to act together before. It was not a matter of the leaſt conſequence to bring together and keep together ſtrong and differing parties, who acted even in this very thing, from different views, and ſome with directly contrary deſigns, and it was all the way as fatiguing to keep ſome gentlemen in ſuited temper for this great work, as to oppoſe the fire and fury of thoſe that ſet themſelves againſt it. Under the ſolid conſideration of all this, and with a full view of the difficulties, at leaſt in general, her Majeſty pitches upon the Duke of Queenſberry, as a perſon of temper, prudence and moderation, unexceptionable in knowledge of what was before him, reſolute in purſuing it through all difficulties, and of a calm courage in all the paſſive part of it, of which I ſhall ſpeak more at large hereafter.

2. It had this particular advantage, that it was in a great meaſure the only thing that carried this difficult work on, that the Duke, in all the heats and animoſities of the party, in all the convulſions of the kingdom, carried on the treaty with eaſineſs, temper and extraordinary conduct, not taking advantages of the raſhneſs and rudeneſs of the people, pitying rather than apprehending danger from their folly, he kept his hand upon the work, his eye upon the principals of the oppoſite party; he diſappointed all their meaſures; he let himſelf into the darkeſt of their counſels; he purſued the main and great work in hand; and with a contempt above my power to expreſs, received all their inſults, laughed at their threatenings, treated them courteouſly and calmly under the moſt intolerable carriage, and this, under the ſupreme conduct, was the only ſtep by which this great work could have been brought to paſs.

Had warmer heads been liſtened to, had reſentment been prevailing, had provocations, almoſt beyond the power of fleſh and blood to bear, been prevailing; and I muſt own, who was an eye witneſs to it all, that I often wondered how it was poſſible to bear ſuch things; I ſay, had the gentlemen of warmer heads been liſtened to, nay even with ſtrong reaſonings, and from men of ſound judgments too;—all had been undone, and the nation had been in a flame; we had been deſtroyed, not delivered; the Government had been diſſolved, not united; and Britain had by this time been the ſeat of blood, not an united and proſpering nation.

But this by the way: The Parliament being to meet, her Majeſty's High Commiſſioner haſtened down to Scotland, and the Queen on all occaſions expreſſing her hopes that this treaty would come to a happy iſſue. It was gene-

rally

rally expected it would be received with the ſame chearfulneſs and alacrity in Scotland, and all our eyes were bent upon the meeting of the approaching Parliament.

In this general expectation, I cannot forbear hinting here, that my curioſity preſſed me to take a journey thither, and being by all my friends, to whom I communicated my deſign, encouraged to think I might be uſeful there to prompt a work that I was fully convinced was for the general good of the whole iſland; and particularly neceſſary for the ſtrengthening the proteſtant intereſt, I was moved purely on theſe accounts to undertake a long winter, a chargeable, and as it proved, a hazardous journey.

I contemn, as not worth mentioning, the ſuggeſtions of ſome people, of my being employed thither, to carry on the intereſt of a party.—I have never loved any parties, but with my utmoſt zeal have ſincerely eſpouſed the great and original intereſt of this nation, and of all nations, I mean truth and liberty,—and whoever are of that party, I deſire to be with them.

However, by this journey, I had the opportunity of ſeeing and hearing all the particulars of the following tranſactions, and of uſing my beſt endeavours to anſwer the many, many, and I muſt ſay of ſome of them, the moſt frivolous and ridiculous objections, formed and improved there with great induſtry, againſt every article of the Union; and this is my reaſon for mentioning it here, that I may acquaint poſterity how I came to the knowledge of what I write; and for no oſtentation at all: and as I had the honour to be frequently ſent for into the ſeveral Committees of Parliament, which were appointed to ſtate ſome difficult points relating to equalities, taxes, prohibitions, &c. 'Tis for thoſe gentlemen to ſay, whether I was uſeful or not, that is none of my buſineſs here; but by this means I have the greater aſſurance to relate the circumſtances and fact as it ſtood before them, and cannot be afraid of being detected in any material miſtake.

And as this is the reaſon of my making any mention of myſelf, ſo the reader cannot but be content to know, from what foundation this relation is handed down to poſterity, and what aſſurance he has that the author he reads was capable of giving him a right ſtate of the matter.

I have hinted already with what freedom the ſcribblers of the age, if I may give them that title, took upon them, in the beginning of this affair, to determine what ſort of Union was proper to be treated of, and every one having vented his politics this way, and that way, as his intereſt or party, or particular employer dictated, we thought that ſtorm had been over; when the Parliament firſt ſat down in Scotland, the generality of people ſeemed very eaſy and forward for an Union in general, as what had long indeed been the deſire of the whole nation; and therefore the ſtrange alienation of the humours of the

people

people, on the general part of it, was the more wonderful, and the more unexpected; of which, and its cauſes, I am now to ſpeak; of the effects I ſhall be more particular hereafter.

On the third of October the Parliament met; his Grace Her Majeſty's High Commiſſioner opened the ſeſſion according to the uſual forms.

Firſt Her Majeſty's letter to the Parliament was preſented to the Houſe by the High Commiſſioner, and being received, was read by the Lord Clerk Regiſter, and is as follows:

" ANNE, R.

" My Lords and Gentlemen,

" SINCE your laſt meeting, we did nominate Commiſſioners to treat of an " Union betwixt our two kingdoms of Scotland and England, and by their great " care and diligence, a treaty is happily concluded and laid before Us.

" We have called you together as ſoon as our affairs could permit, that the " treaty may be under your conſideration, in purſuance of the act made in the " laſt ſeſſion of our Parliament there; and we hope the terms will be accept- " able to you.

" The Union has been long deſired by both nations, and we ſhall eſteem it " as the greateſt glory of our reign to have it now perfected, being fully per- " ſuaded, that it muſt prove the greateſt happineſs of our people.

" An intire and perfect Union will be the ſolid foundation of laſting peace; it " will ſecure your religion, liberty and property, remove the animoſities " amongſt yourſelves, and the jealouſies and differences betwixt our two king- " doms: it muſt increaſe your ſtrength, riches and trade, and by this Union " the whole iſland being joined in affection, and free from all apprehenſion of " different intereſts, will be enabled to reſiſt all its enemies, ſupport the pro- " teſtant intereſt every where, and maintain the liberties of Europe.

" We do upon this occaſion renew the aſſurances we have formerly given you, " of our reſolution to maintain the government of the Church, as by law eſta- " bliſhed in Scotland; and the acts of both Parliaments, upon which this treaty " proceeded, having reſerved their reſpective governments of the Church in " each kingdom, the Commiſſioners have left that matter intire; and you " have now an opportunity for doing what may be neceſſary for ſecurity of your " preſent Church government after the Union within the limits of Scotland.

" The ſupport of our government, and your own ſafety does require, that " you do make neceſſary proviſion for maintaining the forces, ſhips and garri- " ſons, until the Parliament of Great Britain ſhall provide for theſe ends in " the united kingdom.

" We have made choice of our right truſty, and right entirely beloved Cou- " ſin and Counſellor, James Duke of Queenſberry, to be our Commiſſioner,

" and

" and repreſent our Royal Perſon, being well ſatisfied with his fitneſs for that " truſt, from the experience we have of his capacity, zeal and fidelity to our " ſervice, and the good of his country; which, as it has determined us in the " choice, we doubt not but will make him acceptable to you.

" We have fully inſtructed him in all things we think may fall under your " conſideration, and ſeems to be neceſſary at preſent: therefore we deſire that " you may give entire truſt and credit to him.

" My Lords and Gentlemen,

" It cannot but be an encouragement to you to finiſh the Union at this time, " that God Almighty has bleſſed our arms, and thoſe of our allies, with ſo great " ſucceſs, and which gives us the nearer proſpect of a happy peace, and with it " you will have the full poſſeſſion of all the advantages of this Union; and you " have no reaſon to doubt but the Parliament of England will do what is neceſ- " ſary on their part, after the readineſs they have ſhown to remove what might " obſtruct the entering on the treaty. We moſt earneſtly recommend to you " calmneſs and unanimity in this great and weighty affair, that the Union may " be brought to a happy concluſion, being the only effectual way to ſecure your " preſent and future happineſs, and to diſappoint the deſigns of our and your " enemies, who will, doubtleſs, on this occaſion, uſe their utmoſt endeavours " to prevent or delay this Union, which muſt ſo much contribute to our glory, " and the happineſs of our people; and ſo we bid you heartily farewell. Given " at our court at Windſor-Caſtle, the 31ſt day of July 1706, and of our reign " the fifth year."

By Her Majeſty's Command.

M A R.

This letter having been twice read, the Duke of Queenſberry ſeconded the Queen's letter with the following ſpeech.

" My Lords and Gentlemen,

" Her Majeſty, by her gracious letter, has acquainted you, that the treaty " of Union, between the kingdoms of Scotland and England (purſuant to an " act made in your laſt ſeſſion) has been happily agreed on, which is now in my " Lord Regiſter's hands, ready to be laid before you.

" The Lords Commiſſioners for this kingdom have been diligent and zealous " in concerting juſt and reaſonable terms; and it muſt be acknowledged, we " met with a fair and friendly diſpoſition in the Lords Commiſſioners on the " other part.

" The

" The treaty has, with all humility, been preſented to the Queen, and was " moſt graciouſly received; and though no reign was ever ſo truly great, for " wiſe and ſteady councils, and ſo many important ſucceſſes, as that of her " Majeſty; yet, you ſee, ſhe is pleaſed to eſteem the perfecting of this Union, " as the greateſt glory of her reign, being the moſt ſolid foundation of a laſting " ſecurity to the Proteſtant religion, and the liberties of Europe, and of peace " and happineſs to her people.

" Theſe reaſons, I doubt not, will make the treaty acceptable to you; and I " perſuade myſelf that you will proceed with ſuch calmneſs and impartiality, as " the weight of the ſubject requires, and as becomes ſo great an aſſembly.

" The Lords Commiſſioners for both kingdoms were limited in the matter of " church government; for the ſecurity of Preſbyterian government in this " Church, you have the laws already made for its eſtabliſhment, the Queen's " repeated aſſurances to preſerve it, and I am impowered to conſent to what " may be further neceſſary after the Union.

" Her Majeſty has been pleaſed to recommend to you to make proviſion for " the forces, ſhips, and garriſons, which is very neceſſary, the ſubſidies granted " at your laſt meeting being run out; ſo, I doubt not, you will ſpeedily re- " new them.

" My Lords and Gentlemen,

" I am not inſenſible of the difficulties that attend the weighty character it " has pleaſed her Majeſty to honour me with, but, with your favourable aſſiſ- " tance, (upon which I very much rely) I hope, by my zeal and fidelity for " her Majeſty's ſervice, and the good of my country, which are inſeparable, to " diſcharge my duty on this extraordinary occaſion."

And this was followed with another ſpeech by the Earl of Seafield, Lord Chancellor of Scotland, which I have alſo inſerted here, as follows:

" My Lords and Gentlemen,

" It hath been, and is the great happineſs of this nation, that the Queen " our Sovereign hath always made it the chief deſign of her reign, to protect " her ſubjects, in the enjoyment of all their rights and privileges; to promote " their good, and to eſtabliſh their peace and proſperity, upon ſure and laſting " foundations.

" For theſe ends, her Majeſty, in her moſt gracious letter, doth, with great " earneſtneſs, recommend to you the concluding of the Union of the two king-

doms,

" doms, and has plainly and fully laid before you the great advantages that this " Union muſt bring with it to all Britain, and in particular to this kingdom.

" The Lords Commiſſioners named by her Majeſty for this kingdom, to " treat of this Union, have endeavoured to diſcharge this great truſt with all " fidelity, and have agreed to ſuch terms and conditions, as I hope ſhall be " found juſt, honourable and advantageous: the treaty has been already re- " ceived very graciouſly by her Majeſty, and is now ready to be reported to you " for your conſideration.

" I do not think it proper at this time to deſcend into the particular articles " of the treaty; I ſhall only beg leave to ſay in general, that it muſt be of great " advantage to have this whole iſland unite under one Government, and con- " joined intirely in intereſt and affection, having equality of all rights and " privileges, with a free communication and intercourſe of trade, which muſt " certainly eſtabliſh our ſecurity, augment our ſtrength, and increaſe our " trade and riches.

" We can never expect a more favourable juncture for compleating this " Union than at preſent, when her Majeſty has not only recommended it, but " declared that ſhe will eſteem it the greateſt glory of her reign, to have it per- " fected; and when the Parliament of England has ſhewn their inclinations for " it, by removing all thoſe obſtacles that did lay in the way of the treaty: and " it muſt alſo be acknowledged, that the Lords Commiſſioners for England " did teſtify their good diſpoſition all along in this affair: and the great and " glorious ſucceſſes wherewith God has bleſſed her Majeſty's arms, and thoſe of " her allies, give us the hope of a near and advantageous peace, whereby we " will be put in the poſſeſſion, and attain to the full enjoyment of all the liber- " ties and privileges of trade, now offered by the treaty.

" The Commiſſioners of both ſides have only treated of ſuch things as con- " cern the civil government, liberties, privileges, trade and taxes; but found " themſelves limited as to the church-government, that being reſerved to each " kingdom by the reſpective acts of Parliament upon which the treaty pro- " ceeded: and you have now not only the laws already made, with her Ma- " jeſty's moſt gracious repeated aſſurances for maintaining and continuing " Preſbyterian church-government within this kingdom; but this further op- " portunity of making ſuch conditions and proviſions as ſhall be found neceſ- " ſary for its ſecurity after the concluſion of this Union, within the limits of " Scotland.

" Her Majeſty recommends to you to provide the neceſſary ſupplies for the " troops, garriſons and ſhips; the funds formerly given are expired: and there- " fore I doubt not but you will eaſily comply with what is ſo plainly neceſſary

" for the preſervation of the public ſafety, and preventing the deſigns of ene-
" mies now in time of war."

" My Lords and Gentlemen,

" Since we have now the opportunity of eſtabliſhing for ourſelves and our
" poſterity, by this Union with England, all that concerns our religion and
" liberties, together with the moſt valuable privileges of trade; I am hopeful
" that you will proceed to the conſideration of the articles of the treaty, in ſuch
" manner as ſhall bring it to the deſired concluſion, and it cannot but tend to
" the laſting honour of this Seſſion of Parliament, to have ſo happily finiſhed
" this moſt important and weighty matter."

I chooſe to place theſe ſpeeches here, rather than in the Appendix, becauſe they ſo immediately relate to the ſtory, and to the continuance of the thread of the ſtory, which now comes to be diſcourſed of, that I thought they could not be ſo properly tranſpoſed.

I ſhall not enter here into the particular vote of every day, having abſtracted thoſe things by way of journal, in another part of the work, with notes upon them, drawn from my own obſervation, and from the generous aſſiſtance of many honourable gentlemen preſent in the very occurrences of every day, and of impartial, unbiaſſed judgment in the affair itſelf. But one thing I muſt remark here, viz.

The firſt thing the Houſe did, after the ſpeeches above, was to call for the treaty of the Union as it was drawn up and ſigned by the Commiſſioners, and having cauſed it to be read in the Houſe, upon ſome general debate, which laſted not long, it was ordered to be printed, and copies to be delivered to the members of Parliament, which was accordingly done.

Till this very day all things had gone on well, and the people in general were very well pleaſed with the thoughts of the Union. They had not yet had ſubject for the turbulent ſpirits to work upon; and having in general only diſcourſed upon the advantages of both ſides, which were indeed in themſelves viſible enough, the clamorous party which followed had not concerted their meaſures, from what topics to work upon the humours of the people.

No ſooner then were the articles printed, and put into the hands of the people, but the gentlemen who ſet themſelves up againſt them, began to preach upon the general heads, as their humour and talent inſtructed them, in order to poſſeſs the people againſt the particulars.

I cannot but diſtinguiſh here between the ſeveral parties that now oppoſed the Union: in my obſervation there were four ſeveral ſorts of people who were againſt this treaty, and who, either within doors or without; either in Parliament, in commiſſion, or in converſation, joined to oppoſe, clamour at, or object againſt the Union; and it is really neceſſary here to diſtinguiſh of them,

that when I talk, as I ſhall have frequent occaſion in the proceſs of this ſtory, of the oppoſers, and the parties oppoſing, it may, by the manner of their oppoſing, be diſtinguiſhed who is meant; for I ſhall not name perſons in my diſcourſe of thoſe things, not thinking it neceſſary to make this hiſtory a ſatire upon any one family, or record to poſterity the ſteps they took in particular, or their reaſons for it in this affair.

Where particular actions, more than ordinary public, have diſtinguiſhed perſons, that is their own act and deed, and lies not at my door; but to come to the heads of parties.

1. There was the profeſt Jacobite party, who oppoſed the treaty purely on the account of the ſucceſſion, which they ſaw evidently was ſtruck at, and would be effectually fixt, contrary to their principles, and eternally excluſive of the family they adhered to; and theſe declared their averſion to the Union, upon all occaſions, publicly and fairly, and, for ought I know, were ſome of the honeſteſt of the enemies to the treaty.

2. There was the diſſenters from the church, or the epiſcopal party, theſe oppoſed the Union alſo publicly, as it tended in its conſequences, entirely to ſettle the Preſbyterian eſtabliſhment, for ever to fore-cloſe them, and bar the door againſt all poſſibility of their recovering the government of the church in the manner they deſired; ſince they ſaw but too plainly, however blind others were to it, that this treaty would ſo ſettle the Preſbyterian eſtabliſhment in Scotland, and ſo fortify it by law, that if ever they ſhould attempt to recover the hierarchy of epiſcopacy here, even the very epiſcopal church, their own brethren in England, would be obliged to oppoſe and ſuppreſs them. And theſe, ſo far as they acted fairly, were honeſt and open enemies alſo to the Union.

3. There was a miſtaken people, I hope I may ſay ſo much of my own opinion without offence, for truly I think them miſtaken, who, though this Union was calculated entirely for their ſafety, and tended to their indiſſoluble eſtabliſhment, as by the alarm of their enemies was very viſibly demonſtrated, yet were drawn in by their fears, and, I doubt, thoſe fears too much inflamed by the policy and wicked artifice of whiſperers and diſguiſed enemies, to oppoſe the Union, as dangerous to the church, and as interfering with the ſeveral public engagements the nation had entered into. Theſe, or moſt of them, were honeſt, well-meaning, and ſome of them moſt pious and valuable people; however ſome of them might ſin againſt moderation in the manner of their diſſenting, and a little too warmly puſh on their private opinions.

Of theſe people I ſhall be far from ſaying any thing ſevere, for indeed I cannot think any thing ill of them, I mean as to intentional evil. The weakneſs any of them might diſcover in forwarding, countenancing, or giving a name to the diſorders of the times, was rather the artifice of a party, who endeavoured to enflame the nation, and put the appearance of it upon them, writ-

ing their names upon every action, and intitling every tumult to their protection.

But deſcending to particulars, we ſhall find, that however forward, and if their enemies deſire it, I'll venture to ſay, indiſcreet ſome of them might be, in diſcovering their ſentiments with warmth in converſation, yet upon all public occaſions their whole oppoſition of the treaty was confined to legal applications and peaceable endeavours, the tumult at Dumfries only excepted; for as to that of Glaſgow, it was wholly Jacobite, mere rabble and tumult of that party, and the poor blinded commonalty deluded and impoſed upon by them, contrary to the opinions, and without the aſſiſtance of the people I am ſpeaking of, as will appear hereafter.

4. But laſtly, there was a party, who vigorouſly and violently, by all manner of artifice, trick, and underhand dealing, oppoſed this Union, merely upon politic enigmas, reaſons of party, founded upon ſtate principles, ambition, emulation, party-pique, prejudices, and a vaſt variety of unhappy conjunctions, as ſerved to enflame and agitate their ſpirits againſt it. And as theſe were many of them gentlemen of the firſt rank, and ſome of them otherwiſe even well enough affected to both the ſucceſſion, and to the church; ſo I ſhall ſhow more reſpect to their perſons, than to record them in a caſe which I promiſe myſelf they will ſome time or other reckon it their misfortune to have oppoſed, and perhaps be as zealous, now its finiſhed, to preſerve, as they were before it was finiſhed, to prevent.

Yet I muſt confeſs, it was to theſe gentlemen we owe the amuſing the nation with ſo many unhappy prejudices, the alarming them with ſuch ungrounded apprehenſions, and the embarking the common people againſt it, merely on the appearing of ſuch men in it, on whoſe judgments, and on whoſe quality they had ſo much dependence.

Theſe were the fatal people againſt this treaty, theſe ſtruggled within doors and without, theſe brought to paſs that monſtrous conjunction of oppoſite and diſcording parties, and brought the Jacobites to cry out for the ſucceſſion; the epiſcopal people to want ſecurity for the Preſbyterian church; the Tory to cry out, breach of covenant; and the well-minded Preſbyterian ignorantly excite the people to a rabble.

Theſe went about preaching oppoſition in every ſhape, juſt as it ſuited the people they had to do with, they undertook to join Cameronian and Perſecutor; Preſbyterian and Papiſt; Proteſtant Succeſſion and Jacobitiſm; parties as oppoſite as the elements, as diſtant as the poles; and theſe are the people I deſire to be underſtood of, when in this book I talk in general of the oppoſers of this Union; I name nobody, whoever the coat fits, they are welcome to wear it.

Having thus deſcribed the parties, it would be endleſs to enter into their ſeveral methods, by which they concurred together, I do not ſay confederated, for

for that was impracticable, their ſeveral aims conſidered; but all concurred nevertheleſs, to put the management of this affair into the following confuſions.

Till the printing of theſe articles, as I have already noted, the people were generally very deſirous of the Union, as a thing which tended to the putting an end to all former animoſities, burying the ancient feuds between the nations, and removing the apprehenſions good people on both ſides had juſtly entertained of a new rupture, in caſe of the Queen's demiſe.

But no ſooner were theſe articles printed and diſperſed, but as if every body had ſet themſelves to raiſe objections, form ſcruples, and find faults in them, the whole nation fell into a general kind of labour, in canvaſſing, banding, and cavilling at the conditions.

1. The poor people were terrified with the apprenſions of inſupportable taxes, loſs of employment, want of all things, and large payments upon their ſalt and malt.

They were again filled with ſtrange ſtories of being ſold to the Engliſh; their Parliament, Crown, Scepter, and even their name as a nation to be loſt, and all carried to England.

2. The merchants were frighted with printed ſchemes of exceſſive cuſtoms and impoſitions, and the ſtrangeſt projects of trade were ſpread about the kingdom that ever were ſeen, which being gotten into the heads of thoſe people, who yet, by their concern in trade, one would have thought, in common charity, ſhould have known better, were ſo managed, that it is hardly poſſible to believe ſuch prepoſterous notions could prevail upon people, otherwiſe knowing enough; ſuch as, 1. The profitableneſs of a trade to France, though all the returns from thence was in periſhable goods, ſuch as wines, brandy, and trifles for conſumption at home.

2. The unprofitableneſs of a trade to England, whither their export of cattle and linen, amounting to above 200,000l. ſterling per annum, brought back very little but ready money.

Theſe were ſtrange things, but ſo popularly puſhed on, that they amuſed the whole nation, and the poor people were told, the Union would beggar the country, and ſtarve the nation; and this talked up to an extravagant height, made the poor perfectly diſtracted. Taxes were calculated without allowing for the advantages of the cuſtoms in other caſes taken off; without conſidering the taxes on malt and ſalt were remote, and probably never to be laid; without conſidering proportions, equalities, and the reaſons, nature, or neceſſity of things; ſo that the poor people were exaſperated to the higheſt degree, and filled with apprehenſions, that they ſhould have neither food to eat, nor beer to drink; that they were juſt to be ſacrificed to the Engliſh; be ſubdued, ruined and deſtroyed.

3. Thoſe

3. Thoſe articles, which left ſome things contingent to the Parliamentary juriſdiction, were improved to perſuade the people, that all their laws, liberties, eſtates, and whatever was near and dear to them, was left entirely to the determination and abſolute diſpoſal of the Britiſh Parliament; in which, they being to have but a ſmall repreſentation, ſuppoſing their own members to be always unbiaſſed and impartial, they ſhould always be over-ruled, out-voted, oppreſſed and ſubjected: To talk to them, in this caſe, of the words unalterable and perpetual, was to ſay nothing; to ſay, the Britiſh Parliament could make no alterations, was to ſay nothing. Theſe things had ſo filled the heads of the people, that nothing could pacify them.

4. But above all this, and which was yet moſt unhappy, as it tended to an univerſal alarm, and to embark a great many ſober and well-affected people againſt it, it was carefully repreſented to be dangerous to the church-government, that all the eſtabliſhment would be ſubjected to a vote of Parliament, and a Parliament, where the prelates had a voice againſt them; that if the Biſhops ſhould pleaſe to vote Epiſcopacy into Scotland, they getting a majority in the Parliament, it would be done; that the Church would be ruined; that if ſhe obtained a toleration, it was the moſt that could be expected in this caſe, and that was precarious and uncertain, and what they muſt come a begging to the Biſhops for. This made an unſpeakable diſorder in the minds of the people, and all the methods taken to convince them, that the Parliament could not encroach upon the Church, or any ways concern themſelves about it, were to no purpoſe; they declared the Act of Security to be inſufficient, railed at the Scots Parliament's conſenting in blank to the eſtabliſhment of the Church of England, and inveighed againſt a toleration of Epiſcopacy here, which they ſaid would be the conſequence.

5. And laſt of all came an univerſal cry, that this was a plain breach of the national covenant and ſolemn league, by which the nation had bound themſelves by oath to God Almighty, among other things, to endeavour the pulling down the Epiſcopal hierarchy, and to reform, to the utmoſt of their power, the Church of England alſo.—All theſe things were not only brought as arguments, but puſhed with ſo much heat, ſo much want of charity and courteſy, that really it began to break all good neighbourhood; it ſoured all ſocieties, and the national quarrel broke into families, who were ever jangling, divided, and oppoſite one among another.—Nor was there any offering the expoſitions, no, not of their own divines, who had declared, that the obligations of the covenant entitled them to no other endeavour of reforming the Church of England, but ſuch as conſiſted in prayers, exhortations, Chriſtian arguments and examples: vide Doctor Rule's Vindication of the Church of Scotland, p. 16. However,

ever, there was no talking to the people at this time, nothing but patience and time could be expected to remedy it.

In this juncture, and if poſſible to compleat the diſtractions of the people, one gentleman, by name Mr. Hodges, and who had formerly been ſuppoſed to write for the common good of Scotland, and was rewarded for it by Parliament, by what fate, party, paſſion or prejudice, remains to this day a doubt,—writes a large book againſt an incorporate Union; in which he abuſes and reproaches England, as a faithleſs, wicked, treacherous and abominable nation, and that to unite with her, was to entail God's judgment on Scotland for her national ſins. A ſad inſtance of the temper of theſe times.

In this book he ſets down two and thirty interfering intereſts between the nations, which, he pretends, it is impoſſible to reconcile: It is writ with infinite ſcandal and falſity; and among the reſt, and as a teſt of the ſincerity of the party, he affirms theſe palpable untruths.

1ſt. That in commerce, the Engliſh trade to the Weſt Indies is carried on in excluſive companies, by which, the letting the Scots into that trade, was an Engliſh cheat.

2. That all the eccleſiaſtical ſtate of the Church was left at the mercy of a Britiſh Parliament.

3. That the Members of Parliament in England were obliged to take the Sacrament of the Church of England, before they were admitted to ſit in the Houſe.

This is not a place to confute theſe things; they did not want their anſwer in their ſeaſon, and the people in time did begin to ſee their error, and how this author had, by manifeſt forgery, impoſed upon them.—But ſtill this did the miſchief it was calculated for, before any anſwer could take place; for this book was eagerly eſpouſed by the party, and there was no room to queſtion it was writ at their private appointment: It was induſtriouſly ſpread over all the kingdom in a few days, and no body of any conſideration but had a ſight of it; nay, it was handed about among the poor people, to ſtir them up and inflame them, and it had all the ſucceſs the wickedeſt creature could wiſh for; it confounded and amazed the people, the dark ſide of every thing was ſhown them, and the true ſenſe of things concealed; and who can but think the people, thus abuſed, ſhould run out into extravagancies?

It is not ſo much, that a book fraught with abſurdities, falſities and contradictions, merits a note in this work; but I think it is abſolutely neceſſary, to ſhew where the general diſaffection at the Union began, ſince it was manifeſt, that, till this time, the people were, in general, very well ſatisfied, and the proſpect of an Union was very grateful to them.

It cannot but be ſome ſatisfaction to all thoſe who have heartily eſpouſed this Union,

Union, that the oppoſition had ſuch a beginning; that its foundation was laid in the party-prejudices of a few, whoſe refuge and ſupport was the mere aſſiſtance of falſities and unparelleled forgeries, by which the poor ignorant people were amuſed, impoſed upon, and led blindly on, even to the brink of their own deſtruction; from whence, though the good providence of God reſcued them, yet they were ſo poſſeſſed, that they flew in the face of every body that attempted to open their eyes, and inſulted their deliverers.

It was at leaſt a fortnight that the heats of the people, on account of theſe articles, continued, before they produced any extravagant effects; and this time was generally ſpent, in the Parliament, in reading over, diſcourſing upon, and preparing to debate the articles.

For it may be noted, as will appear by the minutes, that the articles were read over one by one in the Houſe, before the main reading of them; and the Members were admitted to ſpeak freely their opinions on every head, but to put nothing to the vote.

During this work, which was from the third of October to the firſt of November, the ferment increaſed, and the whole kingdom ſeemed to be in a diſorder, ſome accounts of which may be very proper here.

There had always been a ſtrong oppoſition in this country to the preſent ſettlement, both eccleſiaſtical and civil, and the Revolution was not eſtabliſhed without a civil war; which, though it was but ſhort, came to a deciſive battle, which had this particular ſeeming contradiction in it, that the King's army loſt the battle, and got the victory.

The Viſcount of Dundee, formerly Graham of Claverhouſe, headed the malecontent party; the King's forces were routed, but Dundee, unhappily for his party, was found among the ſlain: His victorious party by his death, not only loſt the advantage of their victory, but having loſt the chief of their army, they ſoon diſperſed for want of a head, and the preſent eſtabliſhment prevailed.

But ſtill they left the North Highlands full of diſaffection to the preſent Government, never ſubmitting, but, as it were, by mere force, even to this day.

All the remains of this party, called particularly the Jacobite, were unanimouſly againſt the Union, as they were againſt the ſucceſſion.

2. The Epiſcopal party were againſt it as before, becauſe they foreſaw, that the Preſbyterian church would ſtrengthen their ſettlement, by the addition of England, who by this treaty, would on all occaſions, be obliged to ſupport and defend them, and ſo the party would of courſe be finally excluded.

Theſe two parties ſaw themſelves abandoned by thoſe who formerly oppoſed the ſucceſſion on different reaſons, and that thoſe gentlemen had fallen into the Union, as is before hinted; and though I will not ſay, that they and the

Papiſts

Papiſts and Jacobite party were all in an intereſt before, yet it was manifeſt they fell in together now unanimouſly to oppoſe the Union.

What oppoſition they had formerly made was under-hand, partly by ſolicitation of friends, and claſhing of parties; they always looked on it as a thing remote and impracticable, and a thing which the conſtant jars they induſtriouſly promoted among the people, and particularly the national antipathy, would always prevent.

But when, contrary to their expectation, they found, that the Union was brought to a head in England; that the Court puſhed heartily to bring it to a concluſion; and to their great ſurpriſe found the ſeveral oppoſing parties joined together; and that every one, from what different proſpects ſoever, concurred in the Union, and ſeemed to make their court to the times, on the foot of the zeal they ſhould ſhew for this new proſpect of ſettlement.

This exceedingly alarmed them; and they found, that now or never was the time to oppoſe it; that if it obtained now upon the humour of the people, it was certain to be finiſhed, and they and their cauſe effectually fore-cloſed from all hopes of ever retrieving their intereſt.

No ſooner therefore was the Parliament met, and the eyes of all the nation fixed upon the event of this great affair, but all the engines of the ſeveral parties were ſet to work; ſome to expoſe, ſome to defend both the proceedings that were already perfected in England, and thoſe that were now entering upon.

Innumerable pamphlets were printed and diſperſed over the whole kingdom; and induſtriouſly harangued upon by the engines of the reſpective parties, as their intereſts led them.

The next ſtep was to find out popular arguments to gratify the humours of the ſeveral orders or diviſions of the people; and to alarm them with thoſe things in particular, which their ſeveral tempers, parties, or deſigns led them moſt to apprehend.

Thus they ſpread all poſſible ſcandals and ſatires againſt the treaty in general, as well in print as in diſcourſe.

As that it was diſhonourable to Scotland; ſurrendering her ſovereignty and conſtitution; ſubjecting her to her ancient and implacable enemies.—That it was depreſſing the honour and dignity of a kingdom that had defended her liberty againſt England with ſuch gallantry and bravery for ſo many hundred years, as if ſhe was leſs able to fight now than never, her ſons leſs bold, her gentry leſs daring, or leſs willing to die for their country; that now they were to be ſlaves, and muſt run to Weſtminſter to vote with a handful of members, who would never be able to carry a queſtion, or to make any weight there, but juſt for form's ſake ſit in the Houſe, and be laughed at.

That the figure Scotland would make in the Britiſh Parliament would not be like a kingdom, but like a province; that one county in England, viz. Cornwall, ſent up as many members, one excepted, as the whole kingdom; and that this was an eternal badge of their ſubjection; and the like.

This was a general cry, and began to be very popular: The people cried out, they were Scotſmen, and they would be Scotſmen ſtill; they contemned the name of Britons, fit for the Welchmen, who were made the ſcoff of the Engliſh, after they had reduced them.—Scotland had always had a name and a fame in foreign courts; they were naturalized in France, enjoyed for many years great privileges there, and honours bought with the blood of their anceſtors; and they would never give away their birthright, though ſome of their nation had been driving a bargain for themſelves, at the price of ſelling their country.—Thus they filled the mouths of the common people, who would go about the ſtreet crying, "No Union," and call the treaters traitors, and ſoon after began to threaten them openly to their faces.

The ſucceſs the party obtained here to incenſe the common people was too much, not to encourage them to proceed; and the next ſtep was, to infuſe like prejudices into the heads of the ſeveral parties and perſuaſions of people: And this was divided into two:

1. To perſuade the honeſt preſbyterian, that the Church would be ſubjected to the votes, the power, and the oppreſſion of the Epiſcopal hierarchy in England.

I will not poſitively aſſert, that this was a mere Jacobite chimera, or had its pure original in plot and deſign; the fears and apprehenſions of honeſt people might at firſt lead them a great way in that caſe: But I believe nobody will take offence, if I ſay thoſe fears and apprehenſions were ſoon made a handle by this party, who ſat ready to take all occaſions, and they immediately raiſed a cry that the Church was betrayed; that Epiſcopacy was coming in upon them; that in the Britiſh Parliament they ſhould be ſubjected to the plurality of voices, in which the Engliſh biſhops, beſide their influence on the nobility and gentry, had alſo their own voices: and that, if the Union ever went forward, they ſhould be certainly ſuppreſſed by the prelates, and reduced to a toleration at beſt, if perhaps that ſhould be obtained.

I cannot be cenſured by any body, in this concluſion of mine, if it be remembered what ſtrange advocates the Church had at this time,—when thoſe that never came to the Church, never owned the juriſdiction of the Church; but, on the contrary, were always known to maltreat her; reject her eſtabliſhment; and never joined with her, either in doctrine or diſcipline, worſhip or government, went up and down, exclaiming at the deſigns of the Engliſh biſhops, to overthrow the eſtabliſhed Church.

Nor

Nor will it be remote to the purpoſe to obſerve, that when the act for the ſecurity of the Church came to be debated in Parliament, thoſe very gentlemen appeared zealous to obtain larger conditions, and voted the overture inſufficient for the Church's ſafety, who were never ſuppoſed to owe the Church ſo much good will, or ever before were obſerved to make her ſecurity any part of their concern: nay, nor were ever known ſo much as to join with the Church; own her diſcipline, or call themſelves members.—But this ceaſed to be a myſtery, when ſome of thoſe gentlemen honeſtly declared, this was only done to ſtrengthen their intereſt againſt the Union, and openly began to draw their arguments into a chain of ſucceſſive neceſſities; that from the very Papiſt to the Jacobite, the Prelatiſt, the Preſbyterian, the Cameronian, every one might find reaſons to act together againſt the Union, as a common and a national evil. But of this I ſhall find occaſion to ſpeak again preſently.

The early ſpreading theſe prejudices had but too much ſucceſs; the party applied themſelves, as they found it ſuit the genius and tempers of the people.

To ſome it was fatal to the Church, and they would be ſubjected to prelacy, and the plurality of votes in the Britiſh Parliament.

To others, it was dangerous to the ſtate, and the independency, honour and ſovereignty of the kingdom was betrayed and given up.

Nay, to the very children and moſt ignorant people they had their arguments; ſuch as, that the honours, as they call them, the crown of Scotland, ſword and ſceptre, ſhould be carried away to England. And the boys and mob were invited by a great perſon, in a melancholy tone, to go in and ſee the ancient crown of Scotland, for that it would ſoon be carried away, and they might never ſee it any more.

To others they had a more ſubtile argument; which, though it was perhaps begun among thoſe that had no ill in their deſign, as is ſaid of the firſt, yet, they carefully improved this, as they did all other things, to the general confuſion of the times: and this was a notion, that it was abſolutely againſt the national covenant, in which the people had ſworn to two things, which this treaty directly would contravene, and render impoſſible.

1. That Scotland had ſworn in the national covenant, to ſupport the ſovereignty of the kingdom, which they ſaid was now to be given up.

2. That Scotland had engaged to pull down Epiſcopacy in England to the utmoſt of their power.

The ſtarting theſe two things had two fatal proſpects, which indeed, had they not been both over-ruled by that ſecret hand which had ſingularly appeared in the carrying this treaty on, through ſo many ſeemingly inſuperable difficulties, might have involved both nations in confuſion.

From the firſt of theſe, they pretended to be bound to preſerve the ſtate in its immediate ſeparate condition; as if confederating with, and joining to a more powerful nation, on terms honourable, and tending to ſupport the ſovereignty and power of the whole, was not conſiſting with that part of the covenant, which could no otherwiſe be underſtood there than to ſignify the ſupporting and defending the conſtitution of Scotland, as it was or ſhould be legally eſtabliſhed.

As to the other ſuggeſtion, it was effectually anſwered by one of the moſt learned divines of the Church of Scotland, Dr. Rule; where he explains the meaning of the covenant to be in that caſe, no atttempt by force to reduce the Church of England, &c. but what we are bound to by the covenant, is not to reform them, but to concur with them, when lawfully called, to advance reformation, either there or any where elſe: and it is far from our thoughts to go beyond that boundary.—Vindication of the Church of Scotland, p. 16.

But this clamour had another effect, which might have been as fatal in its conſequence, had not the ſcene of affairs been very much changed in England; for this very pretence, which the Epiſcopal party prompted, as much as in them lay here, and drew abundance of good and well-meaning people into, in Scotland, as an objection againſt the Union, they immediately turned upon them in England, and ſet ſome of the Church of England Clergy, eſpecially thoſe warm gentlemen who were againſt the Union; they ſet them, I ſay, upon raiſing of the old alarm again, of the danger of the Church, ariſing from the Union; even from this very argument, that the Preſbyterians in Scotland were ſworn by the covenant, to do their utmoſt to pull down Epiſcopacy in England.

I ſhall, as little as poſſible, concern this hiſtory with debates of any of our party quarrels; but the contradiction which theſe people fell into, was remarkable; and could it have been conſidered, might have very much expoſed them.

For if it was true, that the Church of Scotland had ſworn to dethrone Epiſcopacy; and that the Preſbyterians were againſt the Union, becauſe it would deprive them of that power, and for ever tie their hands from that work;—then they were but ill friends to the Church of England among her own Clergy, who were for that reaſon againſt the Union.—And it was an argument of the ſtrongeſt nature to prove, that the Church of England ſhould have been with all her heart for the Union, if ſhe had the leaſt knowledge of her own intereſt.

It is plain from Dr. Rule, that the obligation of the covenant extended no further, than to oblige them to concur with England, when lawfully called to a general reformation.

But the party in England run theſe things a great deal higher, and plied the warm addreſſes of the people; and eſpecially one of the Cameronians, and of their

their leader Mr. John Hepburn, againſt the Union; calling what thoſe weak people put into their addreſſes, the act and deed of the whole Preſbyterian Church of Scotland; when 'tis known, firſt, that Mr. Hepburn's addreſs had but ſeven hands to it. Secondly, thoſe people, though in other things many of them are good people, yet do neither own the Church nor the State; neither the Civil Government nor the Eccleſiaſtic. Of which I ſhall be larger hereafter.

By theſe artifices it is hardly credible, what averſions they raiſed in the people againſt the Union in general, even before the articles were made public, or at all debated in the Houſe.

But when the articles were printed, and every one began to read lectures upon them, according as their ſeveral fancies guided them, or their intereſt ſeemed to claſh with them, I want words to expreſs what a clamour was raiſed on all hands, and what feuds began to appear in every corner of the nation.

Parties and people, whoſe intereſts and principles differed as much as light and darkneſs; who were as contrary in opinion, and as far aſunder in every thing, as the poles, ſeemed to draw together here.—It was the moſt monſtrous ſight in the world, to ſee the Jacobite and the Preſbyterian, the perſecuting prelatic Non-juror and the Cameronian; the Papiſt and the reformed Proteſtant, parle together, join intereſt, and concert meaſures together.—To ſee the Jacobites at Glaſgow huzzaing the mob, and encouraging them to have a care of the Church! the high-flying Epiſcopal diſſenter crying out, the overture was not a ſufficient ſecurity for the Church!

Such convulſions as theſe agitated the whole kingdom; and it was the moſt unaccountable thing that ever was known, to find a nation, that but a few months before were earneſtly crying out for an Union, and the nearer the better; and that were fully convinced of the neceſſity they had of this Union, now fly in the face of their maſters, and upbraid the gentlemen who managed it, with ſelling and betraying their country, and ſurrendering their conſtitution, ſovereignty and independence to the Engliſh.

And ſuch was the clamour againſt the treaters, that I verily believe, and I aſſure you I do not give my private opinion in it, had the articles of the treaty been publiſhed before the treaters came home; and the feuds been the ſame againſt them as they were afterwards, there was not many of them would have dared to have gone home, without a guard to protect them.

The merchants, the burghs, the country people, all cried out of oppreſſion, and of ruin and deſtruction in trade.—And yet the amendments that were offered by that party to the articles, in the time of their debate, were ſo ſmall, and ſo trifling, though they had a free debate on every head, that their own friends cried

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out upon them, for demanding ſo little; and uſed this as an argument againſt them afterwards, that they might have had more, if they had aſked it.

Nor is it to be forgotten, that thoſe very gentlemen, who raiſed moſt noiſe at the general of the treaty, had leaſt to ſay to the particulars; had feweſt objections to make, and leaſt of all concerned themſelves in the amendments.—The reaſon was plain, the deſign was not to amend the treaty, but to deſtroy it; they were not ſolicitous to have a good treaty, but to have no treaty; the drift was to confound it with infinite objections, and to clamour the people out of their wits, that they might, if poſſible, clamour the Parliament out of the Houſe: and of this ſuch evident proofs will appear in the proceſs of this ſtory, as no body, I believe, will make any doubt but that there is reaſon for ſuch an objection.

The Parliament was now met, and the party who oppoſed the treaty diligently made up their greateſt ſtrength within doors in order to it.—I will not ſay that ſeveral took the oath of Parliament, on purpoſe to be able to do ſervice againſt it, who never took the ſaid oath before; but I know it was ſo underſtood of ſeveral gentlemen, and they were reported to be adviſed by their friends to do ſo.

The firſt ſtep they took without doors, for the matters within doors I refer to the abſtract I ſhall make of the minutes in the end of this work; but the firſt ſtep they took without doors, as to particulars, was to ſet on foot a notion, that the Members of Parliament had no right to alter the conſtitution, without the particular conſent of their conſtituents; and that therefore the Parliament ought to have an adjournment for ſome time, that the Members might go down into the ſeveral reſpective countries, which they repreſented, and know the mind of their conſtituents.

And though this ſeemed to be many ways confuted by ſtrength of argument; wherein it was alledged, that this was not an altering or giving up the conſtitution; and therefore, ſuppoſe it were true, that the Members were not impowered to act without the conſent of their conſtituents, in giving up the conſtitution, yet this did not reach here.

2. It was alledged, that this Parliament was ſummoned by her Majeſty, with an expreſs ſignification in the proclamation, that it was to treat of, conſult about, and conclude an Union with England; and being ſent up for that declared purpoſe by their conſtituents, there remained no occaſion to demand any further, or other inſtructions from them; but they became plenipotentiaries from that particular circumſtance.

3. That, by the conſtitution, it was not required, that the conſtituents ſhould be conſulted on any ſuch occaſion; that the Convention of Eſtates tranſpoſed the crown, altered the ſucceſſion, and ſettled the Revolution; which, in all circumſtances, was as eſſential to the conſtitution as this; and that they never

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conſulted their conſtituents in that caſe at all; nor did the oppoſers of the Revolution demand it; but proteſted, and went out of the Houſe.

And, in this caſe, their champion, Mr. Hodges, alſo was againſt them, who owned, that their Commiſſioners to the Parliament had full power to act for them in this caſe.

However, as things began to run very high, and the people, prompted by theſe popular arguments, aſſumed every thing they thought fit to call their right; ſeveral boroughs wrote letters to their repreſentatives, in their own names, and by their own authorities, requiring them not to give their votes or aſſents to an incorporating Union; or, in ſhort, not to the Union as now coming on, in the terms of the treaty.

But this was not all; for finding that this was not much regarded by the Members, and that precedents in like caſes would not ſupport the practice, they turned their private letters into public addreſſes, and thoſe introduced mobs, tumults, inſultings of magiſtrates, flight of gentlemen from their houſes, and all manner of popular diſorders; till at laſt it came to downright inſurrection and rebellion; which, had not circumſtances and the ſeaſon particularly prevented, had riſen up to blood, civil war, and all the terrible conſequences of an enraged and divided nation, as ſhall more at large be related in its courſe.

But to return to the party that oppoſed the treaty; at firſt they ſtrove to carry on their oppoſition by wiſer methods; and by their force of arguments to poſſeſs the peoples minds with ſuch averſions, as might convince the Parliament they were acting againſt the general current of the nation.

And having not at firſt appeared againſt the thing in general, it behoved them to deſcend to particular objections; for, to ſay they would have no Union at all, would have been impolitic, and have formed too great a party againſt them: it was neceſſary therefore to form themſelves into a body of objectors, that had ſome reaſon on their ſide, and could deſcend to particulars to enforce their opinion.

Nor could they, in good manners to the Queen, object againſt an Union in general, who, in her letters to the Parliament, had ſo earneſtly recommended, upon all occaſions, the union of her people, as what her Majeſty eſteemed ſo much for their mutual good, that ſhe would count it her ſingular happineſs, to have it compleated in her reign: on this ſcore, I ſay, ſhould they have rejected all manner of Union, or treaty of Union, it would have been ſo directly flying in the face of the Queen's recommendation, that it would have not only appeared rude, but have loſt them a conſiderable party, whoſe aſſiſtance they found very great occaſion for.

This brought all the ſeveral parties, who were againſt the treaty, as well thoſe

that were againſt it on the account of the ſucceſſion, as thoſe that were againſt it in general, to fall in with thoſe, who only objected againſt the circumſtances of it; I mean, the conditions, and ſtipulations publiſhed in the articles.

Thus the great variety of objectors, to make themſelves perfectly formidable, however different in notion or deſign, made up one body; and turned their arguments from being pointed againſt the union in general, to be pointed againſt the terms of it, an incorporating union.

This brought them back to the ſeveral ſchemes of foreign unions of nations, ſuch as Switzerland, the United Provinces, and the like: and ſome propoſed one thing, ſome another, not foreſeeing, that, had even any of their propoſals come to have been the real treaty, yet this party, who were againſt the Union as ſuch, would have been as much againſt that, as they were againſt this; and ſo at laſt they muſt have divided, broke their intereſt, and loſt the whole, which was the main thing aimed at.

And thus now ſtood the debate.—" No incorporating union," was the word: —" Let us have an Union with England with all our hearts; but no incorpora-" tion;—let us keep our Parliament,—keep our ſovereignty,—keep our in-" dependency,—keep our conſtitution; and for all the reſt, we are ready to " unite with you, as firmly as you can deviſe."

This was thought, by moſt, to be juſt reviving the former notions of a federal union, with ſo many inconſiſtent noun-ſubſtantives in their government, that had upon all occaſions been found impracticable; and which would ſo entirely have left both nations expoſed to the poſſibility of relapſing into a divided condition, that it could not be expected, England, whoſe conſiderations for uniting were peace, ſtrength, and ſhutting a back door of continual war and confuſion from the north, ſhould communicate trade, freedom of cuſtoms in all her ports and plantations, with egreſs and regreſs of manufactures, &c. and leave the main things yet precarious and uncertain.

It would be endleſs to trouble the reader here with the arguments on both ſides, which came reſolved at laſt to this ſhort head.

In the beginning of the treaty at London, the Engliſh Commiſſioners had refuſed to treat, but upon an entire and incorporating Union; and had given ſuch reaſons, why all other propoſals would not only be inſufficient, but impracticable; that the Scots Commiſſioners were convinced of it, and ſatisfied to enter upon a treaty of an entire Union, as the only way to eſtabliſh the laſting peace and proſperity of both nations.

To talk then of a federal Union at this time ſeemed only to put the queſtion, Whether the Parliament ſhould take the articles into conſideration or no? and this run all the oppoſers back to the ſchemes of thoſe that were againſt the Union

Union in general, and by this they loſt ground; for though they made a ſtrong oppoſition againſt the very reading the articles at all, and would gladly have rejected them in the groſs; yet there were ſeveral of their friends left them, and ſo they loſt the firſt queſtion, Whether the articles ſhould be read, which was carried in the affirmative, October 3, the firſt day of the meeting of Parliament, as will appear by the minutes.

This was the firſt ſtraight they were brought to; and therefore, to back theſe two principles, they ſet to work to procure a throng of addreſſes from the ſeveral towns; and which, it is viſible, they attempted to back with force, to awe the Parliament into a compliance, as will hereafter appear.

Moſt of theſe addreſſes were worded to the ſame purpoſe, and in ſubſtance contained a claim of the conſtituents right, to limit and inſtruct their commiſſioners,—and a direction to avoid an incorporating Union; ſome of them were decently prefaced with expreſſions of courteſy to England, and willingneſs to confederate or unite with them on other terms; but proteſted againſt an incorporation of government, as contrary to their liberties, and deſtructive to their ſovereignty and independence, the glory of their anceſtors, the honour of the ancient kingdom, and a great many ſuch plauſible allegations, in order to make the ground of their addreſſing ſeem the more ſpecious, and to pleaſe the people: Others, leſs courteous, ſpoke higher words and rougher language, talked of their defending their Conſtitution againſt the invaſion of ſtrangers, reflected on their treaters, and their being wheedled and drawn in to give up their country, their liberties, &c. We ſhall come to them preſently.

As the Parliament was now ſitting, ſo was the Commiſſion.—This is a deputation from the General Aſſembly, being a certain number of Miniſters, impowered by an act of the Aſſembly, to meet in the intervals of their ſeſſion, to take care of the affairs of the Church.

The tranſactions within the Parliament, I refer to the Abſtract of the Minutes, with Obſervations, immediately following this account, folio 285. But that this account, which contains things done without doors, may run hand in hand with the ſaid abſtract, it is neceſſary to give an account what was tranſacting in the Commiſſion at the ſame time, at leaſt ſo far as it relates to the preſent affair.

It is obſerved in the minutes of the 12th of October, that a motion was made in Parliament for a public faſt; which, however, was oppoſed by thoſe, that ſome thought had more inclination to the work of a public faſt, than thoſe that propoſed it; however, as the Commiſſion had been ſeveral days met, the gentlemen in Parliament, who were againſt the having a public faſt appointed by Parliament, ſeemed to refer it to the Commiſſion.

It was indeed oppoſed in the Commiſſion of the Aſſembly, for the ſame reaſons that it was in Parliament, viz. not for any diſlike of faſting and praying, but to prevent the alarming and amuſing the people, which was the principal work on foot at that time. However, not to neglect the work, or to be found oppoſing ſuch a thing as praying to God, on whatſoever account, it was moved in the Commiſſion, that they ſhould ſet apart a time for themſelves to faſt and pray, as Miniſters aſſembled on ſo great an occaſion; and that a circular letter ſhould be ſent to the ſeveral Preſbyteries to do the ſame in their ſeveral diſtricts.

The act of the Commiſſion, for this day of prayer, neither confined them to a day, or preſcribed the manner; the act itſelf is to be found in the Appendix, N A x, as copied from the original in the regiſter.

There had been ſtrong rumours ſpread abroad, that the Commiſſion would not act, in this caſe, without the General Aſſembly; but that they ſhould proteſt againſt the Union being concluded, till a General Aſſembly was called, and addreſs the Parliament to adjourn the debate of it, till the Aſſembly ſhould meet, which was not to meet till April: Or, that the Lords of her Majeſty's Council ſhould procure from her Majeſty, that the Aſſembly might be called ſooner.

But as this was the contrivance of a party, only to gain time, and of a piece with the delays offered at in the Houſe at the ſame time, ſo it met with no encouragement in the Commiſſion: Not but that there was too ſtrong a party willing to have befriended it, at that time, even in the Commiſſion itſelf.

However, a very moderate and well-tempered addreſs was drawn up in the Commiſſion; it was agreed to in the Commiſſion the 11th, but not preſented till the 17th; in which they recommend to the Parliament the ſecurity of the Preſbyterian Church of Scotland, and its doctrine, diſcipline, worſhip and government, to be ſecured by the treaty, as you may ſee by the addreſs itſelf, which is printed in the Appendix. N B x.

After this, the Commiſſion was again preſſed about the faſt; and more Miniſters being come to town, than were at firſt; and coming with the ſenſe of the country people freſh in their minds, who were, by this time, every where rendered very uneaſy, the motion of a faſt was renewed; and though ſome were againſt a faſt as national, yet, as no body was againſt praying to God on ſo ſolemn an occaſion, ſo the Commiſſion began with themſelves as follows:

"October 17th, It was agreed, that the Members of the Commiſſion, with "ſuch as pleaſed to join with them, ſhall convene in the High Church of Edin-

" burgh for prayer the day following; that the Moderator ſhould begin with a " ſhort diſcourſe from the pulpit, concerning the occaſion and reaſon of that meet- " ing, and the Miniſters to pray, and the orders of the exerciſe were ſettled by " the Commiſſion."

Accordingly, on the 18th, there was a very great congregation, where was preſent many Members of Parliament, and the work continued till two of the clock, very public and ſolemn; but without any of the exceſſes which ſome people flattered themſelves to find there.

However, after this, the motion for a faſt was brought on again, and carried in the Commiſſion on the 21ſt of October, as from the regiſter follows.

" There having formerly been a motion made, for application to the Parlia- " ment for a public national faſt, the matter was this day reſumed, and much " debate about it;—the Commiſſion being pretty full, it took longer time.— " Some were for applying to Parliament for their civil ſanction to it; others that " Preſbyteries ſhould be wrote to, to appoint a faſt, without applying to the " Parliament; becauſe it was feared the Parliament might not be unanimous in " that matter; and the mentioning of a faſt there might perhaps, in the preſent " circumſtances, be occaſion of ſtrife: and after long deliberation, it was un- " animouſly agreed to, that application ſhould not be made to the Parliament; " and a Committee was named to bring in a draught of the paper about that " faſt; which Committee brought in the ſame, in form of an act, upon the 22d " of October; and, after ſome few amendments, the ſame was unanimouſly " approved."

This faſt was obſerved in Edinburgh very ſolemnly.—His Grace, her Majeſty's Commiſſioner, the Lord Chancellor, the great Officers of State, and many Members of Parliament appeared at church, and joined in it, though the appointment had not the ſanction of the civil authority to ſupport it.—A clear proof, by the way, of the Parliament's owning the power of appointing faſts to be in the Church.

Yet was not this ſuch a general national faſt, as ſome people deſired; hoping to obtain upon the people, by the ſolemnity of the thing, and by the warmth of the Miniſters, who, they vainly expected, would, in the pulpit, run out againſt the treaty, bring the people to a general averſion againſt it; and, by conſequence, to ſome violent meaſures for preventing it.

But the prudence of the Miniſters prevented all this deſigned miſchief; and though the day was, as I have ſaid, obſerved with great ſolemnity and affection, yet it was to their great diſappointment, that the Miniſters generally, as well thoſe who were againſt the Union, as thoſe who were for it, in their reſpective pariſhes, applied themſelves only ſummarily to the ſubſtance, nay, to the very words of the Aſſembly's act, viz. " That all the determinations of the Eſtates

" of Parliament, with reſpect to an Union with England, might be influenced " and directed by Divine Wiſdom, to the glory of God, the good of religion, " and particularly of the Church of Scotland."

Thus the thing was carried through, except as hereafter, without the miſchievous effect which ſome expected from it, who now began to turn their expectations another way, viz. to the people, whom they had by various arts ſcrewed up to an unexpected fermentation, as in the enſuing tumults appeared.

I am ſorry that in the proceſs of this ſtory, eſpecially in this, which I count the fouleſt and blackeſt part of it that could have been acted, I ſhall be obliged to mention ſome perſons of great honour and ancient families, who were pleaſed, for reaſons of their own, to act againſt the Union, and to appear ſo publicly in the oppoſition of it, that the people, I do not ſay by their own approbation, I hope not, ſingled them out as the patriots of their country againſt this tranſaction; and, by their ſhouts and huzzas after them, as they went and came to and from the Parliament, made them, as it were, the heads of the party who oppoſed the Union.

The Dukes of Hamilton and Athol were the chief of theſe, and were almoſt every day in Parliament, ſtrenuouſly arguing againſt the articles, and preſſing for other meaſures, as by the obſervations on the minutes will appear.

The Duke of Hamilton being indiſpoſed by ſome lameneſs, I cannot deſcribe the occaſion, was generally carried to and from the Houſe in his chair.

The common people now ſcrewed up to a pitch, and ripe for the miſchief deſigned, and prompted by the particular agents of a wicked party, began to be very inſolent. It had been whiſpered about ſeveral days, that the rabble would riſe, and come up to the Parliament Houſe, and cry out, No Union; that they would take away the honours, as they call them, viz. the Crown, &c. and carry them to the caſtle, and a long variety of fooliſh reports of this kind.

But the firſt appearance of any thing mobbiſh was, that every day, when the Duke went up, but principally as he came down in his chair from the Houſe, the mob followed him, ſhouting and crying out, God bleſs his Grace for ſtanding up againſt the Union, and appearing for his country, and the like.

And as extremes are generally accompanied with their contraries; ſo, while his Grace the Duke of Hamilton had theſe fancied honours paid him, the Queen's repreſentative, the High Commiſſioner, had all the inſults, reproaches and indignities offered him that they durſt, for fear of public juſtice, ſhew him, as will by and by appear.

Far be it from me to ſay, the Duke of Hamilton deſired or encouraged this tumultuary kind of congratulation; that ſort of popularity muſt be too much below a perſon of his character; and his Grace knows the world too well, and

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is too wiſe a man not to know that ſuch things always tend to confuſion, and to the deſtruction of civil peace in the world.

Nor do I doubt but his Grace did what he could to prevent their ſingling him out, to ſhew their mob-courteſy to; but there was no cruſhing a rabble that had ſo many wheels to ſet it in motion; and the ſeeming cauſes of which increaſed every day, as the Union began to draw forward, and as the Members appeared reſolved to go forward with it ſeriouſly, in order to a concluſion.

On the 22d of October, they followed the Duke's chair quite through the city, down to the Abbey gate; the guards prevented their going further; but all the way as they came back, they were heard to threaten what they would do the next day; that then they would be a thouſand times as many; that they would pull the traitors, ſo they called the treaters of the Union at London, out of their houſes, and they would ſoon put an end to the Union.

On the 23d they made part of their words good indeed; for, as the Parliament ſat ſomething late, the people gathered in the ſtreets, and about the doors of the Parliament Houſe, and particularly the Parliament Cloſe was almoſt full, that the Members could not go in or out without difficulty; when Duke Hamilton coming out of the Houſe, the mob huzzad as formerly, and followed his chair in a very great number. The Duke, inſtead of going down to the Abbey, as uſual, went up the High-ſtreet, to the Land-market, as they call it, and ſo to the lodgings of the Duke of Athol. Some ſaid he went to avoid the mob; others maliciouſly ſaid, he went to point them to their work.

While he went into the Duke of Athol's lodgings, the rabble attended at the door; and, by ſhouting and noiſe, having increaſed their numbers to ſeveral thouſands, they began with Sir Patrick Johnſton, who was one of the treaters, and the year before had been Lord Provoſt; firſt they aſſaulted his lodgings with ſtones and ſticks, and curſes not a few; but his windows being too high, they came up the ſtairs to his door, and fell to work at it with ſledges, or great hammers; and had they broke it open in their firſt fury, he had, without doubt, been torn in pieces without mercy; and this only becauſe he was a treater in the Commiſſion to England; for, before that, no man was ſo well beloved as he, over the whole city.

His lady, in the utmoſt deſpair with this fright, came to the window, with two candles in her hand, that ſhe might be known; and cried out, for God's ſake to call the guards: an honeſt Apothecary in the town, who knew her voice, and ſaw the diſtreſs ſhe was in, and to whom the family, under God, is obliged for their deliverance, ran immediately down to the town guard; but they would not ſtir, without the Lord Provoſt's order; but that being ſoon obtained, one Captain Richardſon, who commanded, taking about thirty men with him, marched bravely up to them; and making his way with great reſolution

lution through the crowd, they flying, but throwing ſtones, and hallooing at him, and his men, he ſeized the foot of the ſtair-caſe; and then boldly went up, cleared the ſtair, and took ſix of the rabble in the very act; and ſo delivered the gentleman and his family.

But this did not put a ſtop to the general tumult, though it delivered this particular family; for the rabble, by this time, were prodigiouſly increaſed, and went roving up and down the town, breaking the windows of the Members of Parliament, and inſulting them in their coaches, in the ſtreets; they put out all the lights, that they might not be diſcovered; and the author of this had one great ſtone thrown at him, for but looking out of a window; for they ſuffered nobody to look out, eſpecially with any lights, leſt they ſhould know faces, and inform againſt them afterwards.

By this time, it was about eight or nine o'clock at night, and now they were abſolute maſters of the city; and it was reported, they were going to ſhut up all the ports; the Lord Commiſſioner being informed of that, ſent a party of the foot-guards, and took poſſeſſion of the Netherbow, which is a gate in the middle of the High-Street, as Temple-Bar between the city of London and the court.

The city was now in a terrible fright, and every body was under concern for their friends; the rabble went raving about the ſtreets till midnight, frequently beating drums, and raiſing more people; when my Lord Commiſſioner being informed, there were a thouſand of the ſeamen and rabble come up from Leith; and apprehending, if it were ſuffered to go on, it might come to a dangerous head, and be out of his power to ſuppreſs, he ſent for the Lord Provoſt, and demanded that the guards ſhould march into the city.

The Lord Provoſt, after ſome difficulty, yielded; though it was alledged, that it was what never was known in Edinburgh before. About one o'clock in the morning, a battalion of the guards entered the town, marched up to the Parliament Cloſe, and took poſt in all the avenues of the city, which prevented the reſolutions taken to inſult the houſes of the reſt of the treaters.

The rabble were entirely reduced by this, and gradually diſperſed, and ſo the tumult ended.

It is not eaſy to deſcribe here, the conſternation all good people were in, at the riſing of this tumult; and had not ſuch reſolutions been at laſt taken, as is above-mentioned, which the other party did not expect, it had been the fatalleſt rabble the nation had ever ſeen.

In this caſe my Lord Commiſſioner greatly diſappointed the party, who, having inſulted his Grace's lenity before, as a faintneſs of reſolution, had ſpread about ſcandalous reports, that the Government durſt not look the rabble in the face; that the High Commiſſioner was afraid of being rabbled in his palace;

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and that, if they once roſe in a mob, all would fly before them; that the Parliament would run away, and diſſolve themſelves, or fly to the caſtle; and another worſe thing than all, viz. that the ſoldiers were on their ſide, and would not fight againſt their country, as they called it.

But the reſolution of the Lord Commiſſioner diſappointed them all, who now ſhewed them, he had as much cheerful bravery in the action, as he had calmneſs and temper in the Parliament; this broke all their meaſures; and when they ſaw the guards, led by brave and faithful officers, ſtand firm to their duty, and ſhew themſelves reſolutely forward to defend the Government, they loſt all their courage; it defeated all their expectations, and they began to lay aſide that ſort of violent proceedings, and apply themſelves to the artifice of words, and the managery of parties in the houſe.

It is to be obſerved alſo, that this rabble was a mine ſprung before its time, which blew backwards, and deſtroyed the engineers, rather than the enemies; the plot being otherwiſe laid, viz. that it ſhould not have broken out, till ſome days following; when, as was ſaid, all would have been in readineſs, to have finiſhed the work at one blow, viz. to have blown up the Government at once.

They had been tampering with the ſoldiery, in order to debauch them from their duty; and ſome people talked of retiring from the Parliament, and of ſome great men heading the people; which, had their patience been more, and their conduct a little more ſecret, they had, without doubt, effectually brought it to paſs; but they blew their own project up by their precipitation, and ſo ſaved their country by their very attempt to deſtroy it.

The author of this had his ſhare of the danger in this tumult, and though unknown to him, was watched and ſet by the mob, in order to know where to find him, had his chamber windows inſulted, and the windows below him broken by miſtake. But by the prudence of his friends, the ſhortneſs of its continuance, and God's providence, he eſcaped.

Several of the rabble were ſeized upon and apprehended; and there was a diſcourſe of making examples of ſome of them; but the mercy of the High Commiſſioner, however provoked and abuſed, prevailed to compaſſionate, rather than puniſh their follies. They were only kept ſome time in priſon, and afterwards let go, without any other puniſhment.

And thus ended the moſt dangerous juncture of the whole treaty, and a tumult, which ended to the advantage of the Government, and the diſheartening the party, who, before that, carried it with ſuch an unheard-of inſolence, that had they not been as they thought, ſure of their cauſe, they would never have anſwered it to their own diſcretion, to have acted in ſo open and inſulting a manner.

The foot guards, and two other regiments of foot, did now conſtant duty in the

the city, viz. the regiments of Strathnaver and Grant; the horſe-guards attended the Commiſſioner, the other battalion of guards at the palace, and the garriſon at the caſtle.

And all was little enough; for the regiments were thin and few; and all the forces then in the kingdom, ſome independent companies in the Highlands excepted, did not exceed three thouſand men; and great endeavours were uſed, as I have ſaid, to debauch the ſoldiers, though in vain; they appearing faithful and forward to do their duty on all occaſions.

The next day the Parliament did not ſit; but a great Council was aſſembled, where the meaſures the Lord Commiſſioner had taken, as to bringing the guards into the city, was ratified and approved, and a Proclamation publiſhed for ſuppreſſing the rabble, which being ſomething particular, is inſerted in the Appendix, No. CX.

I have printed this Proclamation, though this work could very ill ſpare room for it; both becauſe it recites the acts of Parliament in Scotland in force againſt rabbles; as alſo, for that the method is particular to that place, and very good to prevent tumults, viz. 1. Of obliging the Deacons of Crafts, that is, as in London, the Maſters of Companies, to ſummon the inhabitants, and make them give ſecurity for the behaviour of their ſervants, apprentices, &c. 2. Giving an indemnity to the ſoldiers, either of the regiments, or town-guards, in caſe they ſhould wound or kill any perſon, after a command given for all to retire from the ſtreets.

Indeed there was occaſion enough for ſuch a Proclamation; and had not the party been broken, as before, all would have been little enough to have ſuppreſſed the fury of this enraged multitude.

No body would undertake to juſtify the rabble, eſpecially after they had been defeated in their deſign. Every body cried out it was a dangerous thing; and the whole city might have been expoſed to plunder, riot, and all manner of diſorder.

But as the party could not juſtify the rabble, ſo they began a new clamour; and now they exclaimed, that the privileges of the city of Edinburgh were invaded, and ſoldiers brought in, to awe and oppreſs the inhabitants.

That this had not been done in ſixty years before, nor ever but in the time of war and tyrannic government; and that it was a forerunner of the ſlavery of the nation.

Then they cried out, this was an invaſion of the freedom of Parliament, and an awe upon the Members, &c. See the minutes of the 25th of October, where that matter was urged very warmly.

It is true, it had been to be wiſhed the affair could have been carried on without any jealouſies and inſults; but on the other ſide it was alledged, that the

force put on the Government by the rabble, was an invaſion of the public peace; and that the mob were the aggreſſors, and the Parliament was much more likely to be awed by the ungoverned rabbles of the ſtreets, if they had gotten a head, than by the forces brought in for their ſecurity, who being at their command, did nothing but ſecure them from the inſults of the mob, and keep that peace which the civil authority had not power to preſerve.

That the military power is always ſuppoſed to be aſſiſting to the civil, when oppreſſed by rabbles and tumults, and while in ſubſervience to the civil peace, and ſubordinate to the civil powers, the proper ſafeguard of a ſtate; and as the force of theſe arguments carried all things before them in the Houſe, all the legal pretences were overthrown by the reaſon and nature of the thing, and the Parliament approved of all that had been done.

Nor did they approve it only; but ordered the guards to be continued, or recommended it to the Lord High Commiſſioner, and the Privy Council, to continue their care for the ſafety and ſecurity of the Parliament. Vide the minutes of October 25.

However, by this method the appearance of the rabbles, and the fury of the ſtreets, were in ſome meaſure abated, yet the people appeared exaſperated to the laſt degree. The huzzaing and crowding about Duke Hamilton continued, notwithſtanding all his endeavours to prevent it; and unuſual threatenings and dark ſpeeches were heard among the people.

The Lords and others, who oppoſed the placing guards in the ſtreets, made proteſts againſt it, as infringing the liberties of the Parliament; though it was very plain, that there was nothing impoſed in Parliament, nothing offered to be carried, but by reaſoning and fair voting.

From this time they began to talk of country tumults; and that ſince the Commiſſioner had ſuppreſſed the mob in the town, the whole country ſhould riſe and come up to Edinburgh, and remove the guards by force from impriſoning the Parliament.

The pretence was ſpecious; they pretended the guards were a force upon the Members of Parliament; that this was cramming the Union down their throats; that the country was unanimouſly againſt it, and would not bear, that a few people in the Houſe, becauſe they had the majority within doors, and a band of ſoldiers to back them, ſhould impoſe a conjunction with England upon them, whether they would or no. Any body may judge what a time this was, when every day the town was alarmed; to-day the North was up in arms, to-morrow the Weſt; to-day ſuch a ſhire, to-morrow another, the next day a third; Glaſgow, Dumfries, Hamilton, Perth, all the places which the imagination of the people dictated, and the fears of others apprehended.

It is impoſſible to expreſs the conſternation of the people. Thoſe that wiſhed

well to the public peace, and who ſaw, that a commotion at this time muſt immediately involve the nation in war and blood, not with England only, but with one another; theſe trembled for fear of the deſolation of their country, the blood and ruin that always attend a civil war, and the danger of the lives of themſelves and their relations.

Thoſe who looked ſeriouſly into the drift of ſome of that party who moſt eagerly puſhed on theſe diviſions, who ſaw how the intereſt of a Popiſh, a Jacobite, and a perſecuting bloody generation, lately extinguiſhed, and now full of hopes, was twiſted, and all joined in anti-union principles, could not but be heartily concerned for the eſtabliſhed religion and Proteſtant Church, which they muſt have been wilfully blind, who could not ſee was plainly ſtruck at, by the oppoſers of this treaty.

To ſee others, whoſe deſigns could not be ſuſpected of any thing to the detriment of either religion or their native country, yet joining blindly with a wicked and degenerate race, and ſeeming to approve the ſteps which were taken to the ruin and deſtruction of both; to ſee theſe ſhut their eyes againſt the plain diſcoveries of a ſtated reſolution againſt both liberty and religion, and encourage, nay in too much join with them who were known enemies both to the national Church and Proteſtant ſucceſſion; theſe I ſay were very melancholy things, when the proſpect of them was ſo near to thoſe who were ſincerely concerned for the peace of the country, and the ſafety of the reformed religion.—And people went up and down wandering and amazed, expecting every day ſtrange events; afraid of peace, and afraid of war;—many knew not which way to fix their reſolutions; they could not be clear for the Union; yet they ſaw death at the door in its breaking off—Death to their liberty, to their religion, and to their country.

Here were good people of all opinions, as well as others:—Some were againſt the Union, on a principle of juſtice and honeſty, as earneſtly as others were againſt it on a principle of treachery to their country; ſome were firmly poſſeſſed, that they were under national engagements, which, in the nature of them, claſhed with the Union; and that therefore, however it might be neceſſary for the ſafety and peace of either Church or nation, they could not get over thoſe obligations, or conſent to this evil, that the other good might come; and however theſe might, in the conſequence of the thing, countenance the wicked foundation, on which the other acted; yet I cannot but do them that juſtice, that I believe, they were far from the leaſt intention to encourage the ſtengthening a party, whoſe principle was French government, and a Popiſh ſovereign. I will not anſwer for indiſcretion, or errors in temper in ſome; neither will I be ſo unjuſt as to call every wrong ſtep an error of principle, and every miſtaken man a plotter againſt his country.

This was the unhappy divided condition of this people, at the beginning of the treaty. The diviſion was ſo general that it ſpread through every part; the gentry were divided; the common people divided; nay the very Miniſters were divided; Parliament, Aſſembly, court, city, counties, towns, nay almoſt every family were divided; and, as the event began to be feared on every ſide, people ſtood ſtrangely doubtful of one another.

The Commiſſion of the Aſſembly hitherto carried, as before noted, with a great deal of prudence and moderation; and though there were ſome unhappy ſtruggles there, which perhaps were pointed by the ſame party at making a breach; yet, as they came to no head, and were ſoon cruſhed by the wiſdom and conduct of the reſt, I ſhall not preſerve the memory of them to poſterity: the general proceedings of that reverend body being always tempered with modeſty, calmneſs, and diſcretion, at the ſame time that they were anxiouſly concerned for the ſecurity of the foundation on which they ſtood, and had the whole weight of the Church of Scotland's ſafety upon their hands.

They had addreſſed the Parliament, that care might be taken of the Church in the treaty; and had been aſſured, they ſhould have their expectation fully anſwered.

And I cannot but remark here, that the foundation of this treaty herein appeared to have been wiſely laid;—the underſtandings and well-poiſed judgments of its firſt contrivers was very conſpicuous, in leaving the reſpective Parliaments a full liberty, ſo to eſtabliſh the ſeveral Churches, as that all the ſecurity they could demand, one againſt the other, ſhould be granted them; that every root of jealouſy might be pulled up, and there might be no room for the ſowers of diſcord to begin here, where they always uſed to begin, and from whence all the miſchiefs of former diſſenſion uſed to flow.

The Parliament had alſo been encouraged by the Queen, in her Majeſty's letter, (Vide fol. 214) at the opening this ſeſſion, to form ſuch ſecurity for the Church-government, as might fully eſtabliſh the national Church of Scotland; for the Queen having, by long experience, and the former contention on both ſides, ſeen that an Union of principles was no more to be expected:—but plainly ſeeing alſo, that, with the aſſiſtance of mutual charity, that difference in principle might be conſiſting with an Union of intereſts and affection among her people, ſaw, at the ſame time, that the only way to eſtabliſh this peace was, to form ſuch ſecurities to both Churches, as might for ever remove all juſt ground of jealouſies from among them, take away the ſuſpicions, and ſhut all the doors againſt the fears, which either had entertained of each other; and which wicked men daily took hold of, as handles of contention, to keep open an eternal breach, and keep us always divided, Ephraim againſt Judah, and Judah againſt Ephraim, ever vexing and envying one another.

In this poſture, I ſay, ſtood the affairs of the Church; when, in the interval of time between the firſt addreſs to the Parliament and the ſecond reading of the articles, vide minutes, folio 288, an overture, or draught of an act for the Church, was conceived, and on the of was preſented to the Houſe.

I ſhall not enter into a long debate which aroſe here, both without doors and within, 1. As to the ſufficiency and inſufficiency of the overture, which, in ſome part, may be anſwered, by ſaying, it received ſome amendments or additions afterwards, at the paſſing into an act. Or, 2. As to any act of Parliament being a ſufficient ſecurity for the Church; that objection being raiſed at firſt, not by ſuch as deſigned a better ſecurity, but by ſuch as really deſigned no ſecurity at all, for the eccleſiaſtical eſtabliſhment in this nation: it is hard, that we muſt be forced to diſtinguiſh the diſputes in this caſe, by diſtinguiſhing the perſons; for there being ſeveral parties here, and of ſeveral principles, who all ſeemed to make but one party againſt the Union, it was abſolutely neceſſary to examine who was for this, or that argument; and, by the man, the reaſon of his argument, was to be diſtinguiſhed.

This unriddled the myſtery, which appeared in the debates of this time, when thoſe that had really leaſt kindneſs for the Church, were the loudeſt, and appeared the moſt zealous for her ſecurity: nay, thoſe that never owned or acknowledged either her diſcipline, or government, never ſubmitted to her judicatories, or joined with her worſhip, were now every day crying out of want of ſecurity, expoſing the Church to the votes of the Biſhops in the Britiſh Parliament, and giving the Epiſcopal Church of England the aſcendant over the Preſbyterian Church of Scotland.

This language could be no otherwiſe underſtood, but by diſtinguiſhing the people that ſpoke it; the very party were hieroglyphics to the dialect; and he muſt be blinder than moſt people are, in this intelligent age, that could imagine theſe people ſpoke this from a true deſign to obtain for the Church a further or better ſecurity, ſo much as to embarraſs the Church and the State, embroil the Parliament with the Commiſſion; and either prevent its being finiſhed at all, or obtain what they generally drove at in all their managements now in the affair, and which was the only thing they could hope in, I mean, a delay.

But to leave this matter a while, the Parliament was all this time reading over the articles, and diſcourſing or reaſoning upon them, but had not yet come to any vote; the tumult at Edinburgh was blown over, without the expected event; we ſhall now ſee, that it was not in Edinburgh alone, that a tumult was deſigned, but ſteps were taken, and indeed politicly enough, to have the general ſenſe of the kingdom to run in the ſame channel.

To this end, addreſſes were ſet on foot, in ſeveral parts of the kingdom, againſt the Union: I ſhall not pretend to crowd this book with the particular addreſſes

addreſſes, though ſome of them are remarkable enough; however, I ſhall give ſpecimens of ſome of them to judge from, and to make the matter, as I go along, the plainer.

And, among them, I cannot omit one from the convention of the Royal Boroughs; becauſe ſome gentlemen, eſpecially in England, having valued their opinion from thence, as if it were the ſenſe of the whole nation, it is a little neceſſary, towards clearing up this point, that though the people were ſcrewed up to a moſt unexpected, and indeed unaccountable averſion; yet that, in the whole, the main body of the nation did not run the length which ſome of their leaders deſired of them, and which they would have had paſſed as their act and deed.

The Royal Boroughs have a cuſtom in Scotland, that they act in a body, and have a convention, or repreſentative of their own, which meets upon occaſion at Edinburgh, and are convened by the Lord Provoſt of Edinburgh: to this convention every Borough ſends one Member, and the Borough of Edinburgh two; their whole repreſentative is ſixty-ſix in number. Now the calculation which was obſervable here, was in the number and quality of the Boroughs, which voted in the convention; the addreſs was carried by four voices indeed, but the ſtate of the caſe is thus: Of ſixty-ſix Boroughs, twenty voted againſt addreſſing, and twenty-four for it; the reſt were abſent. But take the quality of the Boroughs, to make the calculation by, and there the thing will diſcover itſelf as follows:

Take the Boroughs that refuſed to addreſs, and theſe that did not think it worth while to appear; and the majority againſt the addreſſers, is, by the proportion of their ceſs, as eighty-ſix to fourteen. Nay, ſuppoſe all thoſe that did not appear to be affirmatives, though that be altogether improbable, and that they would have been for the addreſs, yet the proportion had been, as thirty-one to ſixty-nine.

But if the rate of the ceſs be not a juſt eſtimate of the value of the Boroughs, though I can prove it was the original of their right of being Boroughs; then I refer to any man to calculate the inhabitants and number of free-men in each Borough, and he will find the twenty Boroughs that refuſed to addreſs, have more inhabitants in them, than both the twenty-four that addreſſed, and the twenty-two that were abſent, the city of Edinburgh excepted.

So that, upon the foot of this calculation, though the addreſs may legally be called the addreſs of the Boroughs; yet it did not follow, that the trading part of the nation had addreſſed, or were againſt the Union; for that, in an arithmetical calculation, or a calculation upon value and payment of taxes, the far greater number oppoſed the very addreſſing at all.

This is obſerved here, in order to clear up a point hereafter, which will require a like kind of calculating on the foot of the whole nation.

The

The Boroughs however, by this ſeeming majority, did addreſs; and becauſe the ſaid addreſs is very particular, and contains in it all the popular arguments, which the enemies of the treaty had blinded the people with, as before; particularly of the ſurrendering the ſovereignty and independency of the nation, and ſubjecting their religion, church-government, claim of right, laws, liberties, and trade, to be altered or ſubverted by the Engliſh in a Britiſh Parliament; for this reaſon I have given you the addreſs itſelf at large in the Appendix, No. DX.

I cannot, I confeſs, but wonder how it was poſſible to impoſe things ſo abſurd upon a whole nation! And how ſo great a people, ſo clear-ſighted, and wary in all other caſes, came at this time to run ſo apparently upon a plain miſtake! Since, as nothing is more plain than that the articles of the treaty, and conſequently the great heads mentioned in the above addreſs, cannot be touched by the Parliament of Britain; and that the moment they attempt it, they diſſolve their own Conſtitution; ſo it is an Union upon no other terms, and is expreſsly ſtipulated what ſhall, and what ſhall not be alterable by the ſubſequent Parliaments. And as the Parliaments of Britain are founded, not upon the original right of the people, as the ſeparate Parliaments of England and Scotland were before, but upon the treaty which is prior to the ſaid Parliament, and conſequently ſuperior; ſo, for that reaſon it cannot have power to alter its own foundation, or act againſt the power which formed it, ſince all conſtituted power is ſubordinate, and inferior to the power conſtituting.

This is ſo clear, and has been ſo often inculcated in this very caſe, and is ſo unanſwerably ſtated in the very acts of Parliament themſelves, ratifying the treaty, that I need ſay no more to it here.

But it was a ſtrange time now, and there was no making the leaſt impreſſion upon the minds of the people, already prepoſſeſſed. Nothing was to be heard now, but of ſlavery to the Engliſh—running away with the crown—taking away their nation, and the like: and it was impoſſible to ſtem this tide of diſtraction for a time. It is true that the generality of the people came off from this deluſion at laſt; and the unalterableneſs of the Union, if finiſhed, began to obtain a little upon the ſenſes of the people. The truth is, the demonſtration of the thing was ſo viſible, that it could not but prevail; and the beſt and moſt judicious beginning to ſee into it, the reſt of the people began to ſink under the power of the conviction, and ſo by degrees the ſcruple began to wear off.

Nay, the ſame people who firſt argued againſt this truth, viz. Of the Parliament of Britain's not being able to invade the treaty, took it up themſelves afterwards, when it ſerved their turn, and ſtrongly urged it againſt conſenting to the church-eſtabliſhment on the Engliſh ſide, ſince it was a confirming the Epiſcopal power, and ſetting it up above the power of a Parliament to pull down.

down. So freely will men accept of an argument when it ſerves their occaſion, which they will reject while it ſeems to oppoſe their intereſt.

In the ruins of this ſuggeſtion, another ſtarted up; which, as it was capable of being embarraſſed with greater doubts, and with ſome had inſuperable difficulties; ſo, had not the moderation of the miniſters interpoſed, it might have been of far worſe conſequence in this caſe; and this was a ſcruple againſt the Union in groſs, as being directly againſt, and inconſiſtent with the Covenant; and that therefore it could not be entered into, without incurring the guilt of national perjury.

This brought the Church into the general appearance againſt the treaty; nor will I ſay but that great means were uſed, if poſſible, to bring the Commiſſion then ſitting, to declare againſt the Union upon this account.

This was a great trial of ſkill; and I ſay this roſe out of the ruins of the other ſcruple, becauſe it was forcibly enough alledged, that if the conſtitution of this treaty was ſuch, that no alteration could be ſuffered, and that not the Parliament of Britain could infringe one article of it, then this for ever ſhut the door againſt the poſſibility of their aſſiſting to reform the Church of England, which they alledged, by their Covenant, they were bound to uſe all lawful endeavours to perform.

This, and ſubmitting to the juriſdiction of the Biſhops in England, and who were to ſit ſtill in the Britiſh Parliament, and thereby owning the agency of ſpiritual men in civil employments, they alſo alledged was againſt the Covenant; and conſequently, if the nation went into this Union, they incurred directly the guilt of national perjury; and I allow, that a great many good and valuable people were very melancholy upon this head, and ſome are not eaſy in it to this hour.

I cannot paſs this thing here, without ſpeaking to it; becauſe I foreſee daily diſputes do ſtill ariſe upon this head, and are like to do ſo every day, and I ſhall not interrupt the thread of the ſtory by it at all; rather it will ſeem neceſſary to be conſidered, in order to carry on the courſe of the ſtory, ſome of which, particularly at this very juncture, very much depends upon it.

I am not at all entering here upon the obligation of the ſeveral Covenants engaged in by the people of Scotland; it is neceſſary here, for argument ſake, to allow them to be obligatory in as large a ſenſe as can be deſired.

As to the being obliged to reform the Church of Chriſt, in the whole iſland, it is granted here by the moſt ſevere aſſertors of the Covenant's obligation.

1. That, as is expreſſed, they are to uſe all lawful means only; and that they are not to uſe any ſuch thing as force.

And the Reverend Doctor Rule, a divine of great candour and learning, and Principal of the college of Edinburgh, has ſtated this obligation very diſtinctly, as follows:

" What

" What we are bound to by the Covenant, is not to reform them, but to con-
" cur with them, when lawfully called, to advance reformation; and it is far
" from our thought to go beyond that boundary, in being concerned in their
" affairs; we wiſh their reformation, but leave the managing of it to them-
" ſelves." Doctor Rule's ſecond Vindication of the Church of Scotland, p. 16.

Now I think nothing is more clear, than that there is all the room in the world for the Church of Scotland to concur in a national reformation, notwithſtanding the Union; nay, they will be better qualified for it now than ever; in ſo far as they will, I hope, always have the aſſiſtance of all good men in the South, both diſſenters and churchmen, to encourage them.

As to the civil power of churchmen, or in Engliſh, the Biſhops voting in Parliament, and its being declared againſt in the Covenant; I will not diſpute the ſuggeſtion, whether it be againſt the Covenant or no; the diſcord lies here.

One party ſays, it is expreſsly againſt the Covenant; and that the yielding to it, and yielding to have the Church of England eſtabliſhed by the treaty, is ſetting up that very power they were ſworn to reform to the utmoſt of their power in all lawful means; and theſe are the particulars in which, they ſay, the Union is a breach upon the Covenant, and has brought the nation into the dreadful ſin of public perjury.

The other ſay,

1. They are not guilty of national perjury; for that they conceive, the Union does no way oblige them further, than as before, in the ſenſe of Doctor Rule, to concur with all lawful methods for reformation, and to cloſe with all opportunities, which ſhall be put into their hands for the purpoſe; and this they are yet as free to do as before.

2. As to their conſenting to the Act for the Security, &c. of the Church of England, it is not againſt the Covenant, ſince it is not erecting a church; nay, it is not in the leaſt a recognizing or acknowledging them that are erected; but it is a letting that be which was before, and which they had no lawful call (the thing expreſsly mentioned in the Covenant) to concern themſelves in altering. They were not legally called to it, for they were legally, at this time, excluded on either ſide, from meddling in the reſpective ſettlements of the Church, by the Queen's power.

And, at laſt, they alledge, that, in ſo far as the Covenant engages them againſt the civil power of churchmen, they did exonerate themſelves fairly, in their public proteſt againſt the votes of the Biſhops, viz. The Repreſentation and Petition, rejecting as far as in them lies all ſubmiſſion to their ſaid power; and that they conceive, being not called to any other oppoſition, they have fully diſcharged their duty as a nation, and have to the utmoſt of their power oppoſed it.

I think this a clear though a ſhort ſtate of the queſtion; and ſome of the moſt conſcientious

conſcientious and pious of both Miniſters and people, on one ſide, thought the caſe of the Covenant clear in this point.

I know there are others diſſatisfied ſtill, of whom I have only this to ſay: If they are certain it is a national crime, I wiſh they would apply themſelves to national humiliation, and be found of them that ſtand in the gap, to prevent God's judgments, rather than forgetting that part, fill the days with their complaint of the ſin, and only apply it to make the people uneaſy at the occaſion.

The Union is finiſhed: even breaking it again, if that were in their power, would not undo the crime, if it be one; and would at the ſame time involve their country in a thouſand calamities, blood and diſtreſſes.

I cannot be ſo uncharitable as to think, any man that raiſes the ſcruple we are now upon, would be willing to be thought to be moving the nation to break this new and moſt ſolemn conjunction, and fall all to pieces again: I would then aſk, To what end are public exclamations and excurſions of the tongue about it? They can tend to nothing but to keep the people in a continual alarm, keep their minds in a conſtant perturbation and uneaſineſs; and it is a ſad work for any man to be employed in, merely to diſturb and diſtract his country.

While theſe things were debating at Edinburgh, the affair grew ſtill darker and darker all over the kingdom; and they were far from carrying it with equal temper and moderation in other places.

In the Weſt, the people called Cameronians began to be apprehended as dangerous, and that cloud was diligently repreſented as very black; that, according to the raſh wiſhes of ſome people, whoſe endeavours too had not been wanting, they would fall into ſome deſperate action or other on this account; —the prejudices againſt the Union had reached them very early; nor was it to be ſuppoſed that thoſe people who were ſo diligent to alarm the country every where againſt the Union, and poſſeſſed them with fears and jealouſies of their liberties, trade, crown, and religion, would fail to fall to work in theſe parts, where they muſt needs know, the general character of the people was, to be tenacious of their opinions; and far from being always preſcribed by the moſt prudent and moderate councils. As to other places, the arguments were ſuited to the people; as to ſome the loſs of trade, to others taxes, to theſe the liberty, to thoſe the ſovereignty of the nation, ſo to theſe the great pretence uſed was religion, the danger of, not the Church, for that many of them did not ſubmit to or acknowledge, but religion in general, and theſe two heads in particular—the return of prelacy, and the breach of the Covenant; however, they had all the very ſame things in their allegations.

In carrying on the deſign of enſlaving theſe poor people, great artifice was uſed; and, as if they had been prepared for the deſign before-hand, they waited till the articles were printed, which were formed by the treaters in England, and the ſeveral minutes of the treaty.

When theſe were ſeen, a number of theſe people got together; and though they were not the number by far, as was diligently reported, in order to make them formidable; yet the beginning might have been dangerous enough if it had heen puſhed on further; what number they might really be in other places, I could never learn ſo particularly, as to venture aſſerting it: but about two hundred men, in a tumultuous manner came to the town of Dumfries, a ſea-port on the weſt ſide of Scotland, about twenty eight miles from Carliſle; they came into the town in the middle of the day, on the twentieth of November, made a fire in the market-place, burnt the articles of the Union, and burnt a paper with the names of the Commiſſioners of the treaty, and fixed another paper of their own upon the croſs; and having done thus, they marched off and diſperſed themſelves peaceably.

This paper indeed was no leſs ſeditious in its nature, than the attempt was inſolent and daring.

When the report came to Edinburgh of this tumult, the concern of thoſe who wiſhed well to their country, was very great, and wiſe men began to give the deſign of the treaty for loſt; they knew the unhappy temper of thoſe honeſt people, for ſuch, however, I muſt call them, becauſe I believe their intention is religious and honeſt, though they may be miſtaken, and, no doubt, are miſtaken in their principles, about government and obedience; but, as they knew, I ſay, the temper of theſe people, how tenacious of their own ſentiments, and how precipitant in their proſecution, it bred no ſmall concern in the minds of all people, who were inclined to peace; concluding, that the party, who oppoſed the Union from worſe principles, had gained their point, viz. to employ the hands of Proteſtants, one againſt another, in this diſpute, and make the honeſt meaning, but warm people, the tools to ruin both themſelves and their country.

There were not wanting, at the ſame time, people, who diligently ſpread extravagant rumours of the numbers of theſe people; ſome ſaid, that there were ſix thouſand men in arms at the place; others, that two thouſand horſe only came into the town; and that five thouſand foot ſtood ready, in the hill country, to march with them, as occaſion ſhould require: others, that the whole body of them were up; and that the whole Weſt was in arms, and at leaſt twelve thouſand of them were to march for Edinburgh, to raiſe the Parliament; and that they had publicly declared, they would ſacrifice the treaters, as betrayers of their country, and ſellers of her liberty and ſovereignty.

To back theſe reports, the paper they fixed up at Dumfries was officiouſly printed; and at the end of it, a poſtſcript, ſignifying, that this paper was publicly read from the Market Croſs at Dumfries, about one of the clock in the afternoon, on the twentieth of November, one thouſand ſeven hundred and ſix, with great ſolemnity, in the audience of many thouſands; the fire being ſurrounded with double ſquadrons of horſe and foot in martial order.

The printing of this paper was reſented by the Government, and the printer fled from their hands for the preſent; but this, as all other inſults of this nature, were no farther proſecuted, the Government chooſing rather to pity and overlook the follies of the people, on this occaſion, as what they ſaw was politicly enflamed by a party, who only ſought to embroil the nation, and bring the beſt of the people to fall out with one another, that the game might be made up out of the deſtruction of both.

By this poſtſcript above, may appear to any unbiaſſed perſon, the artifice made uſe of to magnify every ſtory, to increaſe the terror of the people, and, if poſſible, to encourage the like confuſions in other places; for, as to the fact, 'tis true, there were a rabble of country people, to the number as above, of about two hundred; I could never find that they deſerved to be called more; that there was any ſuch thing as ſquadrons or companies, either of horſe or foot, or any martial order, ſuch as officers or commanders, or any thing like troops, was a manifeſt forgery, on purpoſe to amuſe the nation, and make the people believe what they really had ſome ground to fear.

I muſt alſo do thoſe people in the Weſt this juſtice, that, though great endeavours had been uſed to exaſperate them, and they were heartily againſt the Union, as appeared, upon all occaſions; but when they came to ſee a little into the hands that were at work againſt it, and with whom they were like to join, even the hotteſt among them came to themſelves, and to give them their due, they behaved with great calmneſs and diſcretion; nor could they be brought into any precipitations or extravagancies, as was daily threatened; Mr. John Hepburn, their chief leader and Miniſter, had been reflected on as one that had enflamed and animated them to riſe and take arms, and that had been ſaid to threaten the Parliament; when he was diſcourſed with by ſome, who were under concern for the public peace, it diſcovered the frauds and falſities of thoſe ſuggeſtions, and how they were ſpread about to ſerve the great end of the public diſorders, and only amuſe the world; for he declared himſelf readily, that indeed they had apprehenſions, that the Union would be prejudicial to them; that they did not like the articles, and thought the treaters had not done their duty, and the like; but that, as to their having any deſign to diſturb the Government or to appear in arms, it was an abuſe upon them; they had no ſuch thought, nor ſhould they do any thing, but in a national way; much leſs would they adhere to, or encourage the deſigns of a Jacobite French party, whom he declared they abhorred, and would never join with.

I think this is a plain demonſtration of the truth of what I have alledged all along this ſtory, viz. that there was a buſy party, who run through the whole country, by all poſſible artifice to agitate and diſturb the minds of the peaceable people; and, if poſſible, to bring them firſt to miſtaken notions about, and averſions to the Union in general, and then to purſue thoſe averſions, by

all poſſible methods of diſtraction and confuſion; and that this might bring the honeſt and well-meaning people of the nation, either by their numbers and intereſt, to overthrow the treaty; or, by their folly and miſcarriage, to overthrow themſelves, and ſo to weaken both.

But God's goodneſs to this innocent people diſappointed them here, and we never found the leaſt tumult or diſorder on this ſide afterward, to the particular mortification of the party that hoped for worſe things from them.

The declaration therefore, or proteſt, which they poſted up at Dumfries, and which the party handed about at Edinburgh, as a great inſtance of what they hoped for from them, is rather publiſhed here as an example of the notions they had poiſoned the minds of the people with, than as the ſenſe of the nation, in the caſe of the Union, and a ſketch of what they endeavoured to obtain from all the reſt. Appendix, No. E x.

We are now, in the proceſs of this affair, come on to the middle of November. I muſt deſire the reader to go back a little to the Parliament. They had begun to read the articles the ſecond time, in order to vote on them. The beginning was a remarkable debate, and held for ſeveral days, as will appear in the minutes.

The firſt article was like putting the previous queſtion, viz. Whether there ſhould be an Union with England, in the ſenſe of the preſent articles, or no: that is, whether there ſhould be an incorporate Union of the nation into one kingdom, to have but one Name, Head, Signature, Conſtitution and Parliament, yea or no.

The manner of this queſtion, and the difficulty with which it was carried in the Houſe, I refer to the minutes, folio . But I cannot but obſerve one ſignificant omen of the future good ſucceſs of this treaty, and which, I muſt own, very much encouraged me to think it would go on, notwithſtanding all the vigorous oppoſition it met with, was, that it was voted on the moſt remarkable day for public deliverance, that ever happened to this iſland. I am as far from laying any ſtreſs on ſuch inſignificant circumſtances, as any man; and I know they can have no efficiency in the bringing to paſs the mighty events, which may be uſhered ſo into the world; and therefore I beſpeak the reader to note this, not as a thing I lay any real weight upon.

And yet it was impoſſible to obſerve, without ſome emotion of the mind, and without ſome preſage of the good iſſue of this matter, that the firſt article, being the great and eſſential part of the Union, was voted and approved on that remarkable 4th day of November, which was made happy to Britain, firſt, by the birth of the great and immortal King William, to whom theſe nations owe ſo much, that they cannot look on the Church reſtored, the bloody perſecuting race of tyrants abdicated and fled, cruelty and prelacy dethroned, and all the miſchiefs

miſchiefs of a ruined nation vaniſhed, and not bleſs the memory of that great agent of God's goodneſs to them, without remarkable ingratitude both to God himſelf the original, and to that glorious inſtrument of our felicity, the King. Nor was it this alone which rendered this day remarkable to us, but alſo that the great and remarkable Revolution of Britain, formed in, and founded upon the expedition of the ſame King William, bears date from this time, being the day which he firſt arrived in Torbay, in the Weſt of England.

It could not but be a pleaſant reflection to thoſe who remembered the particulars of theſe things, to find, that without any previous calculation, or direction of men, the concurrence of cauſes ſhould ſo effectually jump, for the bringing to paſs the moſt remarkable tranſactions of Britain's eſtabliſhment on the ſame day, that her deliverance from tyranny, and the many oppreſſions of a cruel and barbarous generation, that aimed at ſuppreſſing the foundations of liberty, and overthrowing the conſtitution of both kingdoms; and her deliverance from private antipathies, the peace of her inhabitants, and the great conjunction, we hope, of the hearts and affections of two nations, which, for many years had been filled with the moſt fatal and inveterate averſions, ſhould take their riſe together, and date their beginning both on the ſame fourth of November; and both on that very day when the great inſtrument of her deliverance, by whom ſhe was put in a condition to bring all the reſt to paſs, was born into the world. Happy day! Happy to Britain! Happy to all Europe! Since the events of this birth, the actions of Heaven in the hand of this Prince, have been the foundation of all the glorious things which have ſince happened in Europe, and of the humbling the great thunderer of this age, who had eſtabliſhed his kingdom in the deſtruction of the liberties of Europe, and in a view of the ſubverſion of the Proteſtant religion.

It was on this happy day that the firſt article of the Union was paſſed in the Parliament, after infinite ſtruggles, clamour, railing, and tumult of a party, who, however they endeavoured to engage the honeſt ſcrupulous part of the people with them, yet gave this eminent diſcovery of the principles of their own actings, in that there was an intire conjunction of the Jacobite, the Prelatic, and the Popiſh intereſt, in this particular; and the very diſcovery of this, opened the eyes of a great many people, who, in the ſimplicity of their hearts, had joined in the general oppoſition to the Union; but when they ſaw the tendency of things, and whither it all led, when they ſaw the ſociety they were going to embark with; when they ſaw the enemies of the Proteſtant ſettlement all engaged, and theſe very people who had filled the land with the groans of oppreſſion, and the cries of blood, coming to join hands with them, againſt an Union with England; when they ſaw, that to ſhun an Union with Chriſtians, they were, of neceſſity, to come into an Union with Devils; men that had

trans-

transformed themſelves into the very infernal nature, and viſibly acted from principles, in this particular diabolical, in that they tended to erect the abſolute ſubjection of nations to the luſt, and unbounded appetites of lawleſs tyrants; when they ſaw theſe things ſo plainly, we then found an alteration; and the beſt, the moſt thinking, and moſt judicious people, began firſt to ſtop and conſider, and afterward wholly to withdraw from the party; and the clamour of the people, as if come to a criſis, began not to be ſo univerſal, but to abate; and the more it did ſo, the more the ſecret party, who lay at the bottom of all the reſt, began to appear and diſtinguiſh themſelves.

The firſt article being paſt, the hopes of the party depended upon debating the matters of taxes, exciſes, cuſtoms; and, as far as poſſible, ſetting up the popular arguments of care for the poor, the impoſſibility of paying duties, the incapacity of the trade to ſupport exciſes and cuſtoms, and the like; and here they had recourſe from one ſhift to another, and like true ſoldiers, though in a bad cauſe, they fought their ground by inches.

From article to article, they diſputed every word, every clauſe, caſting difficulties and doubts in the way of every argument, twiſting and turning every queſtion, and continually ſtarting objections to gain time; and, if poſſible, to throw ſome unſurmountable obſtacle in the way.

The conſequence of this was making amendments to the articles; nor was it a ſmall diſappointment to them, when they ſaw the Parliament willing to come into amendments; and when, by the prudence of the Committee appointed to make calculations and examine thoſe already made, it appeared that their objections were either anſwered and confuted, or the clauſes ſo rectified and amended, as that they had no more room to faſten any of their cavils: they were entirely defeated, and the diſaſter was particular in this: that it ſhewed ſtill the more plainly to the world, that their deſign was not to be ſatisfied in the amendment and alteration of what they objected againſt, but in having ſomething to demand that would not or could not have been reconciled.

This cauſed a great many trifling emendations to paſs, which, in themſelves, had not ſignification enough either to deſerve the name of objections or to need any diſputing.

It is evident the deſign was to load the treaty with a multitude of amendments, among which, it was to be hoped, ſome might be found which the Parliament of England would ſcruple; or, at leaſt, that it would be a precedent for the Parliament of England to conſider the treaty and make more amendments; which being to come down to Scotland again, to be conſidered here, would bring another ſitting on of courſe; when, by delays, the time fixed to the firſt of May might be elapſed, the ſeaſon of the year advance, which hitherto had not favoured them for the riots and tumults of the country; and, in this delay, they might find further advantages.

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How their future actions conformed to this ſuggeſtion, and how they were in every ſtep diſappointed, is the next thing to be diſcourſed on;—but I muſt adjourn it a little and return to the affairs of the Church, which were at this time in equal agitation proportionably conſidered; and the party who oppoſed the Union uſed all poſſible artifice to bring things into confuſion there, in which they diſcovered a double miſchief in their deſign; 1. To bring to paſs the grand deſign of obſtructing the treaty; and, 2. If poſſible, to make the diſorders they aimed at take their riſe in the Church's diſſatisfactions; by which laſt thing two other ends would have been obtained.

1. They would have fixed the ſcandal of all the conſequences, even of their own raſheſt actions, upon the Church.

2. They would have drawn in multitudes of zealous, but innocent people, to have puſhed on their deſigns blindly, imagining they had been acting for the Church.

But, as before, ſo even now, the prudence and ſteadineſs of the Miniſters in the commiſſion of the Aſſembly, defeated all the wicked deſigns of this party; for though there were in the commiſſion a great many Miniſters who were ſincerely and heartily againſt the Union, yet they were not to be drawn in to act with ſo much imprudence as the projects of that party deſigned; and therefore, whatever heat or unhappy warmth at ſeveral times happened there, and which at one time was feared would have gone higher, yet the temper and ſincerity of the main body, both Miniſters and Elders, always over-ruled, and, in good time, ſuppreſſed it.

I have already given you the addreſs which the Commiſſion of the Aſſembly gave in to the Parliament, in order to obtain a ſecurity for the Church. This addreſs effectually anſwered the end of the Miniſters, in that it obtained a vote in Parliament, November 2, viz. That immediately after the firſt article of the Union was voted, the Parliament will proceed to an act for the ſecurity of the doctrine, diſcipline, worſhip, and government of the Church, as now by law eſtabliſhed within this kingdom.

All this time an overture or a draught of an act, intituled, *An act for the ſecurity of the true Proteſtant Religion and the Government of the Church, as by law eſtabliſhed within this kingdom*, was read and ordered to be printed.

While this overture was preparing in the Parliament, and after it was printed, there were no ſmall endeavours uſed to poſſeſs the minds of the people, that it was not a ſufficient ſecurity for the Church.

There had been ſome ſuggeſtions ſpread, that the Parliament would put them off, without effectually ſecuring the Church; and all poſſible care was taken to improve this notion, and the people were agitated on that head, as much as poſſible: Some ſaid, the overture ought to have been drawn up by the Commiſſion, not by the Parliament; and that it was leading them on in the dark, with

with a general vote, that an act ſhould be paſſed, without letting the Church judge what was ſufficient for her ſecurity, and what not.

It was argued againſt this, that the Commiſſion had mentioned in their addreſs, the heads in which they ought to be ſecured; and there was no doubt but the Parliament would make that addreſs the foundation of the Act of Security; that, if there was any thing wanting, they would have time enough to renew their addreſs, for the adding ſuch things, as they judged reaſonable; and that therefore they ought to ſtay, and not interfere with the proceedings of the Parliament, whoſe proper work it was, to prepare their own acts.

But this did not ſatisfy ſome people, who inſiſting on the Commiſſions concerning themſelves in it; the Committee for public affairs moved, October 25, in the Commiſſion, that ſome Members might be appointed, to ſee what the Parliament Men had prepared for the ſecurity of the Church.

This was the time, in which the debates in the Commiſſion run higheſt, and when ſome of the Elders, taking offence at the warmth of ſome of the Miniſters, withdrew themſelves from the Commiſſion; but wiſer and more moderate heads interpoſed, and prevented the ill conſequences of theſe things, as will afterwards appear.

Upon inſpecting the overture for ſecurity of the Church, and viewing the proviſion made there for ſuch ſecurity, the members of the Commiſſion, who were appointed as above, reported, that there were ſome difficulties remaining, which they deſired might be conſidered.

Theſe difficulties began a warm debate in the Committee of the Commiſſion, which were reported as conſidered by the Committee, and are as follows:

1ſt. That it would ſeem, that the Sovereign of Great Britain, in the coronation oath, is to be ſworn to maintain the rights and privileges of the Church of England, as by law eſtabliſhed, without any reſpect to the Church of Scotland. 2dly, That by the oath of abjuration taken in England, obliging to maintain the limitations of the ſucceſſion, and qualification of the ſucceſſor to the crown, the taker ſeems to be obliged to endeavour, to the utmoſt, the ſecluſion even of ſuch Proteſtants from the crown of Great Britain, who are not of the communion of the Church of England, as now by law eſtabliſhed there. 3dly, Several difficulties being propoſed, with relation to oaths, it was diſcourſed, how a bar may be put to the Britiſh Parliament's impoſing oaths upon the Miniſtry and people of Scotland, inconſiſtent with the principles of this Church. 4thly, That the people of Scotland may be exempted from the ſacramental teſt, in uſe in England, which ſecludes all from any office in Britain, or benefit from the Crown thereof, who are of the communion of the Church of Scotland; and ſome other things, which was thought, might be uneaſy, and of dangerous conſequence to this Church, if not provided againſt in the concluſion of the Union: and theſe things being diſcourſed upon at great length, were again referred to

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the Committee for the public affairs of the Church, to be further conſidered, and they to report.

The Committee, to whom this affair was referred, reported, that they have had ſeveral meetings, and diſcourſed at great length upon the four particulars relating to the Union, and heard ſeveral Miniſters and others upon their ſcruples thereanent; and likewiſe upon a fifth particular, that the conſtitution of the Britiſh Parliament, where twenty-ſix Biſhops do ſit as members, ſeems to be inconſiſtent both with the principles of Preſbyterians, and the covenants and engagements of this Church and nation.

It would be too long to ſet down here, how the Commiſſion was daily beſieged with clamours and cries, raiſed upon the jealouſies of the people; and how they were urged to all manner of improper reſentment, upon the allegations now raiſed againſt the ſecurity of the Church, as it was offered in the overture: this debate riſing ſo high, I think it not improper to print the overture itſelf, as it was firſt drawn up, as well as when it was with amendments engroſſed; the firſt draught therefore you will find in the Appendix, No. F x.

I ſhall forbear entering here into any of the heats and indecencies which paſſed upon this debate, ſince they came to no extraordinary height; and the wiſdom and forbearance on both ſides, prevented the evil conſequences which ſome hoped for from them.

The ſecond addreſs of the Commiſſion had its birth in theſe diſputes; and though the enemies of the Union expected great things from it, yet, as it came out quite another thing than they deſigned, having been reduced to ſhape, and ſtripped of all its monſtrous figure, in which it was expected to come into the world, it had two conſequences, which ſerved to aſſiſt even againſt the party that promiſed themſelves ſo much good from it.

1ſt, It convinced the world, that however it was ſpread abroad, that the Commiſſion would violently oppoſe the paſſing the act of ſecurity, as a thing of no conſequence, and ſo put a full ſtop to the work; it was evident, the Commiſſion was not to be blinded by out-ſides, nor ſcrewed up by parties; but that, calm and clear ſighted, they would go on, in all caſes, with the ſame gravity, conſideration and temper, which they had ſhown from the beginning.

2dly, It obviated the great debate about the Church here ſubmitting to the Epiſcopal juriſdiction of the Church of England, or to the votes and ſuffrages of the Biſhops in the Britiſh Parliament; in that though they did not interfere or preſcribe to the Parliament; yet they exonerated their conſciences, and the whole Church of Scotland, by making, as it were, a proteſt againſt it, as what they would not be underſtood to comply with, either now, or by any action in time coming, which ſhould be the conſequence of the Union.

Thus the difficulties, though reſolved to be preſented to the Parliament, yet came out in a modeſt and humble dreſs, ſuitable to the dignity as well as diſ-

tance of the Aſſembly, to which and from which it was preſented; and yet it came out in a dreſs which ſome gentlemen of the Commiſſion, particularly of the ruling Elders, did not approve of.

Some would have had this addreſs been called a proteſt, but the moderation of that Reverend Aſſembly cruſhed that motion; and, after ſome debate, it obtained the title of the repreſentation and petition, and was reſolved on in the Commiſſion the 8th of November, and the ſame day preſented to the Parliament. The exact copy of this paper, you will find in the Appendix, No. G. x.

When this paper was agreed on in the Commiſſion, the Earls of Rothes and Marchmont, Lords Polwarth and Forglen, Sir James Campbell, the Lairds of Jerviſwood and Ardkinlaſs younger, and ſeveral other gentlemen, who ſat there as ruling Elders, declared their diſſent, and entered their proteſt againſt it, taking inſtruments in the hands of the Clerk of the Commiſſion, and promiſed to give in the reaſons of their diſſenting, which accordingly they gave in on the 15th of November.

Upon the giving in theſe reaſons by the Elders, the Commiſſion appointed a Committee to wait upon the Elders; and to know if they inſiſted upon having their reaſons for proteſting recorded, and to ſignify to them, that if they did, the Commiſſion would be obliged to draw up their anſwer to thoſe reaſons, and to record the ſame likewiſe.

The Committee never obtained an anſwer from the gentlemen in a body; but as many as they met with gave for anſwer, that they did not inſiſt poſitively on it, but left it to the Commiſſion either to record it, and form anſwers to it, or not as they ſaw moſt proper.

The Committee having reported this, the Commiſſion did at laſt think fit to record the proteſts, and the reaſons annexed, and drew up their anſwers to them, though they waited two months before they entered it; which, becauſe they are very material to a right underſtanding of the preſent debate, I have annexed to this work in the Appendix, No. H. x. I. x.

I think the reaſons and anſwer are a ſufficient comment upon this text; and whoever pleaſes to peruſe them will ſee, that though the deſigns of wicked men pointed much further, yet the Commiſſion, both Miniſters and Elders, were wholly influenced by principles of peace, honour, conſcience, and the good of the Church.

I know ſome thought the Church went too far in this affair, and eſpecially in the matter of the ſacramental teſt, which ſeemed a thing perfectly remote to them, and what they could have no concern at all in; and the Gentlemen, in particular, were yet more willing than the Miniſters, to have let both that and the matter of the civil power of the Biſhops quite alone.

But if we ſhall conſider how the Miniſters were daily beſieged, as before, with the importunate violences of the people; how many among them really thought this

this part in particular directly againſt the Covenant; and how, by falſe reports, many had been ſo impoſed upon as to believe the ſacramental teſt in England, extended even to the Members of Parliament which ſhould be ſent from Scotland.

When, I ſay, they conſider the fears and jealouſies which overſpread all ſorts of people; and how far the artifices of a wicked party were, at this time, in their meridian, and had inexpreſſible influence on all ſorts of people, they will, with me, admire that the Commiſſion was able to maintain their ſteady reſolution; how they worked through theſe floods, and kept the middle way with temper and moderation, to preſerve themſelves from the ſnares laid for them.

All theſe things conſidered, it was, in moſt peoples opinion, a victory gained, and the party received a manifeſt diſappointment even in this repreſentation, in that the Commiſſion could be brought to no precipitations, as ſome people flattered themſelves they ſhould.

However this may be the general opinion, I know ſome people took ill the length they went in this affair, and thought they exceeded their proper ſphere; but I believe thoſe Gentlemen are very well ſatisfied with the unanſwerable arguments drawn from hence againſt thoſe, who, not content with this length, thought to upbraid them with forgetting the national obligation of the Covenant, which they fairly quitted themſelves of by that article, in which they declare civil places of churchmen to be not ſubmitted to by them, but againſt both their Covenant and conſciences, and ſo have fairly exonerated the Church from that affair which ſtuck ſo near her.

The repreſentation was preſented to the Houſe, juſt when the overture for the ſecurity of the Church was under their conſideration; and however it did not at preſent meet with a very favourable reception, even by thoſe who were the Church's very good friends, who thought as before, they run it too high, and alſo ill-timed it; yet neither did the Gentlemen wholly omit the things requeſted therein, though they ſeemed to ſleep for ſome time; but particularly the clauſe about the valuation of teinds and plantation of kirks, which they paſſed an act for by itſelf: the matter of oaths ſeems alſo ſettled in the amendments to the overture: the other, as the matter of the ſacramental teſt, and the ſuffrages of Biſhops in the Britiſh Parliament was ſilently let fall, as things they could by no means meddle with in the treaty.

Here the oppoſers of the Union met with another diſappointment; for had theſe two articles been inſiſted on, they knew the event would have been a rupture of the treaty, and their great end had been anſwered, viz. to obtain the Parliament to demand ſomething, which they knew England could never grant.

Thus the ſtorm blew over, the Act of Security for the Church was voted, and laid by to be annexed to the articles, and made part of the Union, as ſhall afterwards appear.

As this had made a great noiſe in the Aſſembly, ſo it had been no leſs can-

vaſſed all over the nation: ſome condemned the Aſſembly in the main, and pretended to cenſure them publicly, for engaging themſelves in matters that had ſo plain a tendency to breaking up the Union, and deſiring the Parliament to concern themſelves in thoſe affairs in England, which could really admit of no debate in this caſe.

But, as if the Commiſſion wanted the authority of their conſtituents to back them in their proceedings, and to juſtify their conduct, the reſpective Preſbyteries in the country began to come in with letters, or a ſort of addreſſes, teſtifying their approbation of what the Commiſſion had done, &c. But the Commiſſion diligently avoiding every thing that was tumultuary or popular, gave a cold anſwer to them; as particularly to that of Dumfermling, who ſubjoining to their approbation of the petition their deſire about faſts public and private, as in a time of impending dangers, the Commiſſion reſolved, That their act about faſts paſſed before, did ſufficiently anſwer the Preſbyteries deſire, and ſo took no notice of the reſt; which prudent way of proceeding ſtopped the deſign, which ſeemed to be only to make the repreſentation as popular as they could, that it might, on the one hand, encourage further petitions, and ſecondly, oblige the Parliament to come into their meaſures.

While this was thus carrying on in the Commiſſion, the country began to be very uneaſy, and threatenings came in every day, of coming up in armies and rabbles, to raiſe the Parliament, and to deſire that the Church might be ſecured.

The Preſbyteries of Glaſgow, and of Stirling, ſent letters to the Commiſſion, containing heads of grievances, and repreſenting ſeveral things, which they deſired the Commiſſion to demand of the Parliament, for the Church's ſecurity.

To this the Commiſſion of the Aſſembly anſwered, That they had done, or were now doing, all that was deſired in their letters.

An ill-natured motion was made in the Commiſſion alſo, to ſend circular letters to all the Preſbyteries, to ſend up their Members to the Commiſſion, and a Committee was appointed to conſider of it; but this occaſioned ſuch variety of debates, that the Committee could come to no reſolution, but referred it back to the Commiſſion, and there it dropped.

This was a plain deſign to renew the debates; and, if poſſible, to bring the Commiſſion to proteſt or declare themſelves againſt the Union.

The repreſentation was now before the Parliament, but, as yet, they took no notice of it; and it was apparent that they purſued their treaty for ſome time, without any reſpect to the ſaid repreſentation; and indeed it was foreſeen they would do ſo, the gentlemen eaſily ſeeing, that if theſe things were inſiſted, it was juſt a reſolution to break off the Union.

The other party eagerly reported about town, that it was a diſreſpect to the Church, not to regard her ſolemn repreſentation; and then the conſequences of

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the Biſhops voting in Parliament were laid forth, and the danger of the Church was now their general diſcourſe: Some were alarmed with this chimera, that the Parliament had not a ſincere reſpect for the Church's ſafety; that the gentlemen had no great concern about the matter, and ſo the Church would be expoſed to her enemies, by the negligence of her friends.

But the Commiſſion ſaw through all this; and having done what they thought their duty, both for the Church's ſecurity, and for the exonerating their conſciences in the caſes they could not comply with, they reſolved to ſtand ſtill, and leave the conſequences of things to Divine Providence, without puſhing at things impracticable, or ſuch things as tended only to diviſion.

This ſteadineſs of the Miniſters broke all the meaſures of the party. Their hopes to embroil the Miniſters with the Parliament vaniſhed; and the diſcourſe of the repreſentation or petition began to grow old and die.

The Commiſſion had their hands full of their repreſentations of another ſort, about the growth of Popery, the ill practices of ſome of the depoſed Miniſters, and the like, and ſo it wore off by degrees.

I mention, in this account, the prudence and moderation of the Miniſters ſo often, not that I deſign to write panegyrics here, much leſs to flatter the perſons of the Miniſters; but whoever knew the management of that time, and reflects back on the particulars, will eaſily join with me in this, that there were ſeveral parts of management practiſed upon the Miniſters, in order to ruin their counſels, beſides what the open debates of the Commiſſion diſcovered, and particularly ſuch as follows:

1. There was a deſign, if poſſible, to bring the Miniſters into a general declaration againſt the Union, as dangerous to their liberties, inconſiſtent with their principles, and contrary to the obligation of the national Covenant. Of this I have ſpoken in the courſe of the ſtory.

2. There was a manifeſt deſign to bring them to a rupture among themſelves; and that, if poſſible, ſuppoſing the Union ſhould proceed, or not proceed, the diſagreeing party might be brought to a breaking off, or dividing from the reſt, and ſo form a ſettled ſtated diſſent, or breach in the Church; nor was this a thing of ſmall conſequence; for it was really big with a large variety of miſchiefs, and very cunningly contrived; ſnares were laid for the whole body, not of the aſſembled Miniſters only, but the conſtitution of the Church of Scotland, whoſe deſtruction was almoſt viſible in the project, had it met with ſucceſs.

Had the Union been completed without the concurrence of the Miniſters in commiſſion, either the Church affair muſt have been left out, or the enemies of it would have always ſaid, it had been ſettled without her approbation, and conſequently the ſettlement been both imperfect and illegal.

Had one party declared for the Union, and another againſt it, and, had both

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thoſe parties adhered to their reſpective declaration, by any public ſeparation as a party, the Houſe had been divided againſt itſelf, and the conſequence would have been hoped for with but too much probability.

In this very caſe, the prudence of the Miniſters, I ſay, was remarkable, and next to the wiſdom of Providence directing, was the only means of preventing the miſchief contrived: it is not to be doubted, but, in the commiſſion of the aſſembly, and among the Miniſters without, there were men of various ſentiments, ſome againſt, and ſome for the Union; but their wiſdom was particularly ſeen in this, that however they differed in the debating things, they always concurred in every public act of the Commiſſion, and made no diviſion for nor againſt it.

We find but one proteſt in the whole affair, which was in the caſe of the repreſentation and petition; and this began among the ruling Elders, and continued there; for none of the Miniſters ever adhered to that proteſt, but even thoſe that were againſt ſome parts of the repreſentation, yet, ſeeing themſelves out-voted, acquieſced; nor was all the repreſentation objected againſt by any body; it was a paper, I doubt not, ſome hoped to draw miſchief from, yet that miſchief had its diſappointment effectually, though the paper had its ſucceſs, in being carried on; for it appeaſed the minds of many, who, being ſatisfied of having exonerated their conſcience, acquieſced in other caſes with the more freedom; nor was the repreſentation in general without its particular reaſons to be aſſigned for it, as is further expreſſed in the ſequel of the ſtory: as to the Miniſters in all other caſes, how warmly ſoever they debated, and with whatſoever firmneſs the ſeveral Miniſters adhered to their opinions, yet they ſubmitted their votes to the plurality, and all things were carried in a regular and orderly way, to the great diſappointment of their enemies, and to the great eaſe and ſatisfaction of all good men of every opinion.

Nor ſhould I do juſtice here to particular perſons, if I did not acknowledge, and record it to his honour, that much of this is juſtly due to the prudence, patience and temper of the reverend Moderator Mr. William Wiſhart, then Miniſter of Leith, who was Moderator of the Aſſembly, and alſo of the Commiſſion, and who acted the true Moderator in all theſe diſputes wiſely, calming, tempering, and with difficulty enough, reducing the warmeſt debates to a method of concluſion; and I muſt own, he had a taſk of no ſmall difficulty, though he had, no doubt, the concurrence and aſſiſtance of the men of moſt candour, temper and judgment on either ſide, ſince it could not but be viſible to every thinking man, who had any concern for the good of the Church, that to run any differences up to a head, could iſſue in nothing but the utmoſt confuſion, gratify the enemy, grieve all good Chriſtians, and in the end ruin the peace of the Church.

And this remark of mine is the more juſt, in that I could not but obſerve,

that the debates on theſe affairs had ſometimes that unhappy warmth, that they ſeemed to tend neceſſarily to a breach; and to come to the very point, and lookers on, of whom I was one with a ſad heart, expected ſomething fatal, not to the Union only, but to the whole Church, muſt unavoidably have followed every debate; and yet we always found cooler thoughts prevailed, and wiſe men yielding this way and that, continually maintained a harmony, in concluding whatever there was in debating.

Another piece of conduct was very inſtrumental to preſerving the public tranquillity, viz. that the Miniſters, generally ſpeaking, kept theſe debates out of the pulpit; for though all manner of ſociety was taken up with diſputes of the grand affair, the pulpit was very free of it; I ſay, generally ſpeaking, what indiſcretions there were, had not influence enough on the reſt, to recommend the example; particularly, I think it was a very great wiſdom in thoſe Miniſters, who were for the Union, and who had many prompters to it, had the Government to countenance them in it, and enemies enough to catch at it, if they had; I ſay, it was their wiſdom that they forbore it; and I think theſe happy conſequences followed to prove it ſo.

1. It took away all pretence from thoſe people, who deſigned, in this unhappy game, to play one part of the Church againſt the other, and ſet up one ſide againſt the other more effectually.

2. It took away the ground of pulpit clamour, and kept thoſe people ſilent, who, had it once begun there, would have been loudeſt by far in the exclamation; for, had one party firſt preached for it, the other would, of courſe, have preached againſt it, and ſo the pulpit been made a mere ſtage of contention.

But, on both ſides, the Miniſters, as well on private as public days, let it generally alone; they prayed for direction and bleſſing on the Parliament, and on the meeting of the Miniſters, as tranſacting difficult and doubtful caſes, but avoided entering into debates.

I think I do them nothing but juſtice therefore, in hinting, that the temper and calmneſs, with which the generality of the Miniſters behaved in this nice occaſion, was very great, and contributed very much to the quiet carrying on the great work.

Soon after this, the country tumults came upon the ſtage; and, as it was a peculiar to this treaty, that the very methods taken to ruin it, concurred to preſs it forward; ſo theſe tumults ſerved to open the eyes, and calm the ſpirits of abundance of thoſe honeſt people, who were prejudiced before; who, though they were willing to oppoſe the Union, as what did not correſpond with their opinions, and as they thought with the public good; yet, when they ſaw it going to arms, rebellion, and blood; and when they ſaw this further, that, in order to oppoſe this national conjunction, they were to join in a civil war againſt their Governors, with their and the nation's known enemies; their eyes began

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to open, and they ſlackened very much, from that time, their appearance againſt the treaty.

This manifeſtly ſhewed the difference between the men, who, in the ſingleneſs of their hearts, oppoſed it, as apprehending it unſafe for the eſtabliſhed Church, and inconſiſtent with their national engagements; and thoſe, on the other hand, who oppoſed it, as contrary and fatal to the Popiſh ſucceſſion of James VIII, as they called him, and the Epiſcopal hierarchy: and theſe differed juſt as the two harlots in Solomon's time;—the true mother of the child choſe to loſe her poſſeſſion of him, rather than that the child ſhould be murdered; ſo theſe faithful friends to their country, however poſſeſſed againſt the Union by the public clamour; yet they would chooſe to ſuffer the inconveniencies they feared, rather than ſee their country involved in blood, a civil war breaking out in the bowels of the kingdom, and foreign Popiſh, or tyrannical powers invading their privileges, and pulling down all before them.

This will appear to be the caſe, in the further purſuit of the ſtory, and the ſight of this affected the hearts of a great many of thoſe, who had any compaſſion for their country; and from this time forward, the Commiſſion met with leſs diſturbance from the hot people on theſe heads, but went on calmly, and with all the temper and moderation that could be expected.

The letter from the Preſbytery of Hamilton gave them ſome little diſturbance, but it was ſoon over; and their circular letter to Preſbyteries, to endeavour to preſerve the public peace, not only ſhewed their own reſolution to keep all quiet and peaceable, but diſcouraged all endeavours afterward to diſorder them: of which by itſelf.

But things were now grown to a ſtrange height; and the ſame engines, who ſo boaſted of the effects of the repreſentation and petition above-ſaid, ſhewed themſelves not idle in their management of affairs abroad; for they carried on the diſcontents of the people to all poſſible height.

And indeed the caſe of the poor common people of Scotland was very hard, in reſpect to their ſhare in theſe matters; they are not the only common people in the world, who take things by wholeſale; and who being inflamed with the clamours and arguments of the more knowing ſort, their landlords, leaders, heads of families, and, as they too properly call them, maſters, and alarmed with out-cries of dangers, and diſtreſſes; which were to come upon them by the Union; things which they could not anſwer, nor had any reaſon to queſtion the truth of, ſeeing their great men poſſeſſed with the belief of them: 'tis no wonder they were exaſperated to the higheſt degree, and ready to attempt any thing, to ſave themſelves from the deſtruction at hand.

Again, they were not altogether the people that were diſagreeable to them neither, from whom theſe diſcontents began; had they been only the Epiſcopal, or Jacobite, or Popiſh party, that had ſtarted theſe things, a ſhort anſwer would have

have opened the eyes of the common people; and it had ſufficed to tell them, from whom their objections came.

But when, by the ſubtilty and artifice of theſe men, they had drawn in a great many of the honeſt well-meaning people of the country, who were known to be well affected to the preſent civil eſtabliſhment of the nation, and zealous for its religious eſtabliſhment; when theſe were ſeen among the number of the warm oppoſers of the Union, ſhaking their heads at the articles, and frighted at the terrible conſequences, which were talked of; who can wonder, that the reſt of the people began to be uneaſy, and that thoſe uneaſineſſes, at laſt, broke out into exceſſes, madneſs, and diſtraction?

The people of Scotland, I ſay, are not the firſt inſtance how eaſily it is to be impoſed upon, and how readily a mob is raiſed by a rumour. How ſoon did the Jews of Aſia put all Jeruſalem in an uproar, when they made them believe their worſhip was in danger by Paul's preaching, and that he not only invaded their worſhip, but had actually defiled the temple! How readily did they lay hold of the bleſſed Apoſtle, and had certainly murdered him, if the civil authority had not, aſſiſted by the military, reſcued him out of the hands of the mob, and put the caſe in the way of a fair hearing!

It was not for the poor people to diſtinguiſh the original of cauſes and things, nor who was at the bottom of theſe rumours; it was not for them to diſtinguiſh the hand of Joab in all this; whether Jacobite or Papiſt was the original of this matter, was not for them to examine; they ſaw their ſuperiors joining in the ſame complaint, and every party ſaw ſome of their reſpective chiefs embarked.

The common people could look no further; the Epiſcopal poor ſaw their curates tooth and nail againſt it; the ignorant and indifferent poor, ſaw their Jacobite landlords and maſters railing at it; and which was worſe ſtill, the honeſt Preſbyterian poor people ſaw ſome of their gentlemen, and ſuch as they had remarked and noticed to be hearty Preſbyterians, yet appearing againſt it; who then can cenſure the poor, depending, uninformed and abuſed people?

And how, but by theſe concurring accidents, was it poſſible the poor deluded people of Glaſgow, and the Weſt, could be drawn into mobs and tumults, in gratification of that very party to whom they have been the very antipodes, the reverſe, even in all the ages of the reformation; by whom they had been plundered, rifled, butchered, and perſecuted, in the moſt barbarous manner, with cruelties and extravagancies innumerable: will any man ſay, the men of Glaſgow, famous for their zeal in religion, and the liberties of their country, even from the very infancy of the reformation, were now turned enemies to the Church of Scotland, and ready to fight againſt her, in the quarrel of their bloody and inveterate enemies, the Papiſts and Jacobites?—It could not be.

Will any man ſuggeſt, that Glaſgow had forgotten herſelf ſo much, that the blood of her citizens and inhabitants, ſhed in the old articles of Pentland

and Bothwell, and the ravages made upon her, and the countries round her, after thoſe unhappy times, even to the confines of the Revolution, were forgotten? Will any body think, the Glaſgow men had ſo far forgot the hiſtory of twenty years ago only, that they could now join with the murderers of their brethren and fathers, and take up arms in favour of their mortal enemies?—No, no, nothing leſs; it was all deluſion and mere artifice; the party played the Preſbyterian againſt the Preſbyterian, the Williamite againſt the Williamite, and having ſubtilly poſſeſſed a few honeſt, but deluded people, with the frenzy of the time, made them the tools of their projects, if poſſible to bring them to pull down one another, that they might afterwards with the more eaſe devour them both.

And this leads me of courſe into a ſtory of the Glaſgow rabble, which now came upon the ſtage, and which in its turn, though raiſed with a different deſign, was one of the proofs of God's providence working every thing, howſoever pointed at the Union, to act for it and further its concluſion.

They had had in Edinburgh continual alarms of the riſing of the people in the Weſt and North parts, in order by force to put an end to the treaty, though the people themſelves knew nothing of it, nor had any ſuch deſign: to-day it was in Angus, to-morrow in Galloway, now at Stirling, then at Lanerk, then at Hamilton, then at Glaſgow, but nothing yet appeared; and ſome began to mock theſe fears as groundleſs. The party made their different uſes of the reports; to-day enlarge them to terrify and amuſe, to morrow leſſen them again as mere rumours, to leſſen the watchfulneſs of the Government, and make them ſecure; but the deſign was manifeſtly to procure the tumults they expected, by reporting they were begun.

That theſe fears were not groundleſs, or thoſe alarms mere chimeras, may be ſeen by the Commiſſion of the Kirk's circular letters to the ſeveral Preſbyteries, to deſire them to keep the peace, and to be earneſt to prevent ſuch tumults; to which the Preſbytery of Hamilton gave an anſwer, which ſeemed to object againſt thoſe fears as unjuſt, though it did not afterwards appear ſo. Vide the Appendix, No. P.

And now, though in the ſtory of the Glaſgow rabble, I ſhall be obliged to mention the unhappy ſlip in thoſe prudentials, which, as I have obſerved, the Miniſters, generally ſpeaking, behaved with; I ſhall not, however, offend any perſon of common charity, ſince I ſhall be far from ſaying the Gentleman here did this with a deſign to raiſe the tumult that followed; much leſs would I ſo much as ſuſpect, that he could in the leaſt have it in his thoughts, to gratify the folly and projected deſtruction of the Kirk of Scotland, which, in all theſe things, was apparent enough in the ſecret party that puſhed on theſe things.

As to the raſhneſs and intemperate zeal, or whatever other miſtaken foundation it had, producing the heat and warmth of the expreſſion, I have the charity to believe, he is convinced of the error of that; and ſo, while I am obliged to repeat

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the circumſtance, I ſhall as little as poſſible reflect upon the perſon, being deſirous, in all caſes, rather to cover than expoſe the undeſigning failures of all honeſt men, as what they may be led into by miſtake, but never proſecute when their judgments are better informed.

But to come to the particulars of this unhappy ſtory at Glaſgow, which I ſhall relate with all the impartiality poſſible, and without reſpect of perſons, both for the ſake of the hiſtory, which it is neceſſary to tranſmit faithfully to poſterity; as alſo for ſetting things in a true light, and placing the guilt where it is juſtly due, which at preſent is underſtood to the prejudice of that city in general, and of thoſe honeſt Gentlemen among the inhabitants who had no concern in it, unleſs it were to be inſulted and made uneaſy by it.

The firſt uneaſineſs that I meet with among the people here, I mean that was particular (for the general uneaſineſſes about the treaty were viſible every where, as I have hinted already), was about addreſſing.

Great had been the endeavours of a party of men, all over the kingdom, to bring in numerous addreſſes to the Parliament againſt the treaty, in order to fortify that argument, which was now brought in as a ſtrong bar againſt the immediate proceeding, viz. That it was againſt the general inclination of the people; which you will find moved in the Houſe upon the ſecond reading of the firſt article, as per the minutes.

The party at Glaſgow had been very buſy to perſuade the Magiſtrates to addreſs, as the other Royal Boroughs had many of them done; but the Magiſtrates ſhewing no inclination to it, they found there was no way to bring it about, but by the common people.

Nor could all their credit with the common people bring it to paſs; the inſtruments being chiefly Jacobites, Papiſts, and Epiſcopal people, whoſe reputation and intereſt in the city of Glaſgow, and parts adjacent, had always been but very low, and now lower than ever; ſo that, to effect their deſign, they had recourſe to the policy of the times, viz. deluding and impoſing upon others, and this did their work; for had they not made uſe of ſome weaker brethren, who had more influence upon the people, they had never brought it to paſs.

To bring in ſome of theſe, all the popular arguments mentioned before were improved; among others, the danger of the Kirk of Scotland, I believe I may ſay in their favour, was not the leaſt.

Drawn in by theſe ſpecious pretences, the Jacobite party had the pleaſure to lay by, and ſee their work done to their hand; and the people being ſufficiently inflamed, they waited the iſſue, when one unhappy indiſcretion, to ſay no worſe of it, finiſhed all their hopes, and brought to paſs the miſchief they deſigned, in the beſt manner for them they could have wiſhed for.

Some of the Elders of the Church had privately waited on the Provoſt, whether moved by their Miniſter, or by the common people, or of their own heads, I ſhall not determine, though it is not very difficult to trace it to its

beginning; but it is apparent, the Miniſter we are to mention, as well as ſome others in the town, were very earneſt for the thing. Their buſineſs was, it ſeems, to move the Provoſt, that an addreſs might be preſented to the Parliament againſt the Union; they might have commanded a popular addreſs among themſelves, but that was not what they deſired, but an addreſs in the name of the city, by the Provoſt, Baillies, &c.

The Provoſt anſwered to this purpoſe: That he did not think it would be prudent for them to addreſs at this time; that he had been at Edinburgh, and had conſulted the Lord Advocate, and ſome of the city of Glaſgow's beſt friends, and all unanimouſly adviſed them againſt it, and gave it as their opinion, it was not their intereſt to do it: particularly he reminded them, the Parliament had but the laſt ſeſſion granted them the tax of two pennies the pint; and if they ſhould now appear as a town in this addreſs, it might urge them to repeal this grant, and the city might be a great ſufferer.

This was a very good reaſon why he ſhould decline the addreſs, if the gentlemen had been in a condition to hearken to reaſon; for if the Magiſtrates had addreſſed, they muſt alſo have followed it with reaſons and arguments openly as a body, which in ſuch caſe would have been, in all probability, ill taken by the Parliament, if, as is very likely, thoſe reaſons had been ſuch as came in from other places, peremptorily inhibiting their proceedings, and impeaching their power to act, without leave from their conſtituents, which indeed was the thing now inſiſted upon, and generally aimed at in the project of addreſſing.

The Provoſt having thus, though very calmly and reſpectfully, declined the matter, the people appeared very uneaſy, and ſome hot expreſſions had been let fall in diſcourſe about the town, that they would have an addreſs one way or other; but one unhappy accident ſoon diſcovered the meaning of the whole.

On Thurſday the 7th day of November, the day after the faſt appointed by the Commiſſion of the Aſſembly was kept in Glaſgow, Mr. C——k, Miniſter of the Trone Kirk, preached from the words in Ezra, viii. 21. "And I "proclaimed a faſt at the river of Ahava, that we might afflict ourſelves before "our God, to ſeek of him a right way for us, and for our little ones, and for "all our ſubſtance."

I ſhall convince the gentleman concerned, that this account is not made for a ſatire upon him, it is too ſerious a ſubject; and when both he, and thoſe who heard him, reflects on how much more his unhappy temper, at that time, forced from him, than I ſet down here, all which I have by me verbatim, as he ſpoke it; he will, I ſay, be convinced, that I talk no more than, in the obligation of a hiſtorian to truth of fact, I am bound to do.

In the concluſion of his ſermon, after telling his hearers the ſad condition they were brought to, and how forward Glaſgow uſed to be in the honeſt cauſe, he added to this purpoſe:

Addreſſes would not do, and prayers would not do, there muſt be other methods; it is true prayer was a duty, but we muſt not reſt there; and cloſed it with theſe words, "Wherefore up and be valiant for the city of our God."

I am not at all apprehenſive of having the truth of theſe words queſtioned, having received them from the mouths of more than two or three of the principal inhabitants of Glaſgow, who heard them ſpoken; and if the miſplacing a word ſhould be ſnatched at, I venture to ſay, that this was the full purport of the expreſſion, without the leaſt variation; as to the weak good man that ſpoke them, I will not ſuggeſt that he foreſaw the conſequence of them, or had any ſuch thing in his deſign, though it calls for ſome charity to gueſs his meaning. The kindeſt thing I can ſay of them is, that he did not mean at all what followed, but ſpoke in his haſte; for God forbid I ſhould ſuggeſt he meant to raiſe a rebellion, and to bring his country into all that blood and confuſion, which, if God's goodneſs had not prevented it, had certainly followed.

The ſermon ended about eleven o'clock, and the people were ſo inflamed before, that by one o'clock the mob were gotten together, their drum was beat in the back ſtreets, and all the confuſions we are now to ſpeak of followed.

The next day, the Deacons of the Trades, which is the ſame as in London, the Maſters of the Companies, followed with a middling number of * tradeſmen, came to † the Council-Houſe, and leaving the people below, the Deacons of Trades, and ſome few, went up to the Provoſt, and demanded of him very rudely if he would addreſs.

The Provoſt, though ſurprized with their manner, compoſed himſelf, and, according to his known calmneſs and ſteadineſs of temper, told them, that he was not ſatisfied to addreſs; and an eminent inhabitant of the town, viz. the Laird of Blackhouſe, uſed a great many arguments with them, civilly to perſuade them to be eaſy and ſatisfied, and not to promote any diſorders in the city.

While they were thus diſcourſing in the town-houſe, the number of the people encreaſed without, and began to be tumultuous; but as ſoon as the Deacons came out, and reported to them in ſhort, that the Provoſt had refuſed to addreſs, the people fell a ſhouting, and raging, and throwing ſtones, and raiſed a very great uproar.

And here the Deacons deſervedly obtain the title of the raiſers of this rabble; for had they related the calmneſs, the reaſonings, and the manner, with which the Provoſt very diſcreetly anſwered them, the people might very eaſily have been quietly diſmiſſed; but now it was too late, the anſwer, as it was given to them, was only in groſs, that the Provoſt was reſolute, and would not addreſs.

* By tradeſmen in Scotland, is underſtood none but the meaner ſort of people, ſuch as ſhoemakers, ſmiths, butchers, weavers, and the like, as in England are called handicrafts; the ſhopkeepers, ſuch as mercers, drapers, grocers, &c. are all called merchants.

† A chamber in the Tolbooth, where the Magiſtrates ſit, and where the City Council aſſembles, and where the Provoſt generally is every morning.

Enraged

Enraged thus, they ſlung ſtones at the windows, and, as much as they could, inſulted the Provoſt; but he found means to withdraw, ſo that they could not hurt him for that time.

In this rage, they went directly to the Provoſt's houſe, got into it, took away all his arms, which were about twenty-five muſquets, &c. ſome few things were ſtolen in the throng, but that was not much: from thence they went to the Laird of Blackhouſe's dwelling, broke his windows, and ſhewed their teeth, and thus the firſt tumult ended.

The Provoſt retired for a while out of town, and the Laird of Blackhouſe alſo, not knowing what the iſſue of theſe things might be.

I pay no compliment at all here, but a debt to truth, in noting that the Provoſt of Glaſgow for that time, —— Aird, Eſquire, was an honeſt, ſober, diſcreet gentleman, one that had always been exceedingly beloved, even by the common people, particularly for his care of, and charity to the poor of the town; and, at another time, would have been the laſt man in the town they would have inſulted.

I mention this to obviate the ſuppoſition, that the rabble took this occaſion to inſult him, upon former reſentments, as has been uſual in like caſes.

The Provoſt being withdrawn, and the addreſs they deſigned thus baulked.

They ſet it on foot without him, and indeed they effectually anſwered the Magiſtrates deſire, who reſolved, if there was an addreſs, it ſhould be a mere mob addreſs.

Many a mean ſtep they took to get hands, by threatening, affrighting, and hurrying people into it, taking youths and mere childrens hands to it.

Every man that refuſed to ſign it, was threatened to be rabbled, and have his houſe plundered, which made a great many timorous people ſign it, that did not approve of it.

This being the method, it may eaſily be imagined, the addreſs was not many days a finiſhing; and ſuch as it was, they ſent it away by four of the townſmen, whereof the firſt two * were the Deacon of the taylors, and the Deacon of the ſhoemakers; the other two that went with it were gentlemen, too well known to be ſuſpected of deſiring any ſuch kind of tumultuous proceedings, but complied with their deſire, in order to prevent worſe conſequences.

If the multitude of addreſſes, which have been boaſted of, as a declaration of the averſion of the people to the Union, may be gueſſed at by this, thoſe gentlemen, who bring this as an argument, have ſmall reaſon to boaſt, and need not be very forward to have the particulars examined into.

The addreſs having thus been ſigned, and ſent away, the people begun to be quiet again, and the tumults ſeemed to have an end; the Provoſt, who had

* Robert Scot, Deacon of the Taylors, —— Stevenſon, Deacon of the Shoemakers; John Bowman, Dean of Guild; and John Hamilton, Gentleman; were the four that went up to the Parliament with the addreſs.

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fled to Edinburgh, came home again, and every one went quietly about their buſineſs, till, a little while after, a new occaſion ſet all in a flame again, worſe than it was before, and made it appear, who was at the bottom of it all.

And here the warm gentleman, who from the pulpit put the match to this gun powder, may ſee who laid the train; the trifle of addreſſing was the leaſt thing they ſought for, though that ſerved a purpoſe alſo; and theſe good people, who were drawn in to begin it, ſaw no further; but now it appeared to be all Jacobite and Papiſt at the bottom; that blood and confuſion was the thing they drove at, and King James, prelacy, tyranny, popery, and all the miſchiefs this nation has to fear from them, lay hid in the deſign, as will preſently appear, and the poor thoughtleſs multitude were only hurried into it, by a conjunction of miſtakes.

The ſecond rabble had a beginning as ſmall as the firſt, though not ſo ſoon laid, becauſe the firſt had only the addreſs in view, and was managed by a few, that the contrivers of thoſe diſorders had impoſed upon, and deluded; but this part was under the more immediate conduct of the very party themſelves, and was introduced as follows:

One of the Magiſtrates * of the city had committed a † fellow to the Tolbooth for theft. He had, it ſeems, been taken offering to ſale a muſquet or ſome other things, which it was made appear belonged to the Provoſt of the city, and which was taken out of his houſe in the time of the rabble above-mentioned.

This fellow lay in the Tolbooth for ſome time; but it was obſerved that in an evening there would be ſeveral of the common people at the window, talking to him through the grates of the priſon. The Provoſt apprehending that the impriſonment of this fellow might be a pretence for a new diſturbance, reſolved to diſcharge him; but, that it might not ſeem to be done for fear, took a ‡ bond of him to appear again when called for, and among the reſt of the people who came to talk with him at the grate was one Finlay, a looſe ſort of a fellow, who had formerly been a ſergeant in Dumbarton's regiment in Flanders, and who openly profeſſed himſelf a Jacobite, a fellow that followed no employ, but his mother kept a little change-houſe ‖ at the remoteſt part of the town on the Edinburgh ſide.

The fellow had given his comrades an account, that the magiſtrates had taken a bond of him; and the next morning this Finlay, and a rabble with him, comes up to the Clerk's Chamber, another office in the § Tolbooth, where the Magi-

* It was Baillie Hamilton.

† The fellow's name was Parker, a looſe vagabond profligate fellow of a very ill character, a ſpinner of tobacco by employment, but a very ſcandalous perſon.

‡ This is called there a bond of preſentation, and is all one with a ſimple recognizance without bail.

‖ The common name of an ale-houſe or inn in that country.

§ The Town-houſe, in which is their offices and alſo the priſon for the city; it is generally like the Guild-hall of a city, or the Town-houſe in England, ſaving that the priſon is generally in the ſame houſe in Scotland.

ſtrates.

ſtrates meet, and there they demand this bond of the Clerk, it being put into his hands.

The Magiſtrates, willing to take away all occaſions of tumult, and to leave them no excuſe, ordered the bond to be delivered up; for the gentlemen rabble had now the full command of the town.

But to let it be ſeen that theſe were but ſeeking occaſions, notwithſtanding the Provoſt had told them they ſhould have the bond delivered up, and they had now no reaſon but to be ſatisfied, the Clerk having orders to deliver it, they continued together reſolving to inſult the Provoſt at his coming out.

The Provoſt not imagining any danger, having granted their requeſt, comes innocently out of the Tolbooth and went toward his own houſe; the rabble immediately gathered about him, thruſting and abuſing him, and not with villainous language only, but with ſtones and dirt and ſuch like thrown at him.

He would have made to his own houſe; but the multitude increaſing and growing furious, he took ſanctuary in a houſe, and running up a ſtair-caſe loſt the rabble for ſome time, they purſuing him into a wrong houſe; however, they ſearched every apartment to the top of the ſtair, and came into the very room where he was; but the ſame hand that ſmote the men of Sodom with blindneſs, when they would have rabbled the angels, protected him from this many-headed monſter, and ſo blinded them that they could not find him. It is the opinion of many of the ſobereſt and moſt judicious of the citizens, that if they had found him, their fury was at that time ſo paſt all government, that they would have murdered him, and that in a manner barbarous enough; and if they had, as we ſay of a bull dog, once but taſted blood, who knows where they would have ended?

The Provoſt was hid in a bed which folded up againſt the wall, and which they never thought of taking down. Having eſcaped this imminent danger, he was conveyed out of town the next day by his friends, and went for the ſecond time to Edinburgh.

The rabble was now fully maſter of the town; they ranged the ſtreets and did what they pleaſed; no magiſtrate durſt ſhow his face to them, they challenged people as they walked the ſtreets with this queſtion, Are you for the Union? And no man durſt own it but at their extremeſt hazard.

The next thing they did was to ſearch for arms in all the houſes of thoſe that had appeared for the Union; and firſt they went to the Dean of Guild, and, upon his refuſing to give them his arms, they took them away by force. They ſtopt here a little, but having given out that they would ſearch the houſes of all that were for the Union, the Magiſtrates aſſembled, and conſidering that if the citizens were diſarmed, and the rabble poſſeſſed of their weapons, they might in the next place poſſeſs their houſes, wives, and wealth, at their command; and that it was better to defend themſelves now than be murdered and plundered in cold blood. They reſolved therefore to raiſe ſome ſtrength to oppoſe this violence, and accordingly ordered the town guards to be doubled

that

that night, and removed the place of arms from the uſual guard-houſe to the Tolbooth. And that this guard ſhould be of ſelect perſons ſuch as they knew.

Accordingly orders were ſent to all the Captains of the city militia, that each of them ſhould bring twelve men with them, ſuch as they could depend upon would ſtand by them to ſecure the peace of the city; and this was beſides the ordinary guard.

This was done readily, and with great ſecrecy and celerity, the Captains of the militia, being faithful honeſt gentlemen, brought their men without any noiſe, beat of drum, or the like, and leaving the ordinary guard at the uſual place *, and were that night encreaſed to a whole company, and this ſelect guard was placed in the Council Chamber †.

The rabble, who had reſolved to be as good as their words, were now gotten together; and whether they thought the Magiſtrates were met in the Council-Chamber, and ſo they reſolved to begin with them; or whether they had intelligence that they were upon their guard, is not certain; but about nine o'clock at night they gathered about the Tolbooth, and ſeeing a centinel placed at the top of the ſtair, ‡ Finlay, of whom before, is ordered to go up, and ſee what they were a doing, as he called it.

When he came to the top of the ſtair, the centinel challenged him, and thruſt him back; but he comes on again, and thruſts in with the centinel, and gets by him.

At this juncture one of the citizens, who was privately appointed to meet as above, was juſt coming up; and having paſſed as privately as he could through the mob, who were at the ſtair-foot to the number of about 100, being a ſelect party only, for the reſt were not then got together, was going up the ſtairs. This gentleman ſeeing a fellow aſſault the centinel, boldly ſtepped up to him, and knocked him down on the ſtair-head with the butt end of his muſquet, and immediately calls the guard.

The guard immediately took to their arms, and headed by one Lieutenant Lindſay, an old ſoldier of King William's, but now a burgeſs and inhabitant of the city, they came down and drew up at the foot of the ſtairs.

Some pieces were fired in the ſtreet, but whether at the guard or no, was not known. The multitude was great by this time, and being late at night, it could not well be diſcerned: but as they had all the reaſon in the world to expect it, they fell reſolutely to work with them, and ſallying upon the rabble, they immediately fled and diſperſed.

Having thus broke the firſt body of them, it was obſerved that they only fled

* The uſual place for the guard of the town is in the Trone-gate-ſtreet.

† In the Tolbooth one pair of ſtairs high.

‡ The ſtone ſteps on the outſide, where the iron rails are, and where the officers ſtand to read proclamations or any public acts.

from the immediate ſhock, but ſtood in throngs under the * piazzas, and in the heads of cloſes †, to ſee what the guard would do; and that with one halloo, they could all be together again in a moment; whereupon a party was ordered down ‡ every ſtreet to clear the piazzas and cloſes, and ſee the rabble effectually diſperſed, which they did; but were all the way aſſaulted from the houſes and out of the cloſes with curſes and ſtones; the former did not much hurt, except to the givers, but the latter wounded ſeveral of the inhabitants, and ſome were very much hurt.

Had they been able to have renewed this guard, the public peace had been maintained, and the whole deſign of this rabble diſappointed: but it is to be noted, theſe gentlemen were all citizens, heads of families, and of the principal inhabitants; the commonalty was univerſally debauched, and not to be truſted, and the gentlemen could not do duty every night, neither had all that were zealous enough againſt the tumults, either bodies to bear the fatigue of ſoldiers, or hearts to adventure; and thoſe that were forwardeſt, could not be always in arms: this firſt piece of work was on Saturday night, the next night they relieved the guard by the like ſelect number, and all was quiet; for while theſe men appeared, the rabble durſt not ſtir.

On Monday the Magiſtrates ſummoned the Town Council, and ſending for the Deacons of the Tradeſmen, the thing propoſed was, what courſe ſhould be taken to ſecure the peace of the city, and keep the Magiſtrates and inhabitants from plunder and inſult.

The Deacons of trades, ſubtilly, and as appeared deſignedly, at leaſt ſuch of them as were in the deſign, propoſed, that this ſelect guard ſhould be omitted, and pretended to promiſe, that if any tumult happened, they would come to the town-guard with their men to defend the city; which whoever obſerves how well they performed, will think it no breach of charity to ſay they never deſigned it: however, for this week there was no more tumult, but the mob reigned maſters, and Finlay, who now had made himſelf one of their leaders, ſet up a guard at the upper end of the town near the cathedral, as it were in oppoſition to the town-guard.

This whole week was ſpent in amuſements, and raiſing reports of the riſing of the people at Stirling, at Hamilton, and in Angus; and that a great army of them was to rendezvous at Hamilton, from whence they were to march to Edinburgh, to raiſe the Parliament: Finlay gives out, that he will march with all the men of Glaſgow, to meet their brethren at Hamilton on the ſame deſign. By whoſe aſſiſtance all this was done, the Government was too merciful to make a narrow inquiry, and ſo I muſt leave it as they did in the dark. Having

* The new buildings at the croſs have ſmall piazzas of ſtone on both ſides, under which the ſhops are, and the people may walk in wet weather.

† Cloſes are the ſame with bye-lanes or alleys.

‡ There are but four principal ſtreets, which all meet at the Croſs, and lead to the four gates of the city.

brought

brought the folly and madneſs of the poor people to ſuch a height. Finlay actually gets together about 45 men, for that was the moſt of the great army he raiſed; and on the Friday following, this contemptible wretch having made himſelf their General, marches out of the city with them for Hamilton: they were armed with muſquets and ſwords, ſuch as they had taken out of the Magiſtrates houſes; and (wherever he procured it, for every one knows he had it not of his own) he diſtributed to every man a dollar; and thus in arms againſt their native country, and the Proteſtant religion, theſe poor deluded people marched away, under the command of an abject ſcoundrel wretch, that openly profeſſed himſelf a Jacobite, and that, with his good will, would have ſeen all the Preſbyterians in Scotland ruined.

But to ſuch a paſs were things now come; and who can account for ſome critical junctures, in which men may be brought to ruin themſelves with their own hands, and never ſuffer themſelves to liſten to the cautions of their friends?

The town, though rid of Finlay and his vanguard, enjoyed not the more peace, or were in leſs danger, for the mob that remained kept up their guard, threatened yet worſe things than had been done, and were afterwards as good as their words to a tittle.

The Government, it may be ſuppoſed, were conſtantly acquainted with theſe things, and their forbearance had not a little heartened up the party that puſhed theſe miſchiefs on; however, being lothe to come to extremities, they tried gentler methods firſt, and the Lord High Commiſſioner having laid it before the Parliament, they immediately paſſed an act, diſcharging the muſtering of the troops in the country during this ſeſſion, and a Proclamation was publiſhed againſt tumults, and both theſe were ſent to Glaſgow to be publiſhed.

It ſhould be noted here, that by the Act of Security, any of the nobility, gentry, or towns, might meet in arms, muſter and exerciſe their fencible men, and the like, upon any occaſion of which they were judges; which was done in order to make the militia of Scotland more ſerviceable, or, as ſome think, *in terrorem* to ſerve a cauſe; but be that as it will, it may remain undetermined; but at this juncture, the Parliament foreſaw it might be a handle for the drawing together any number of men at ſuch a time as this, and might be dangerous to the peace, wherefore they cauſed an act to be brought in to repeal that part of the Act of Security, for ſo long only as the preſent Parliament was ſitting.

When this act of Parliament and Proclamation came to town, which was on the Monday after Finlay's march, the Magiſtrates aſſembled about ten in the morning, and cauſed the meſſenger that brought it to read it at the Croſs; accordingly the meſſenger goes up to the * uſual place, and read firſt the act of Parliament, the Magiſtrates were below, and the officers attending as uſual, and a vaſt multitude of people were got together to hear what it was; before

* The head of the ſtone ſtairs on the outſide of the Tolbooth, juſt fronting the Croſs, the ſame mentioned before where the centinel ſtood.

the officer had done, the people began to make a noiſe, and throw ſtones at him; but however, the man went on, and read out the act, and began the Proclamation againſt tumults; but he had hardly read the title of the Proclamation, when the ſtones came ſo thick, there was no ſtanding it, and the poor fellow, not a little bruiſed, was driven off the ſtairs.

Upon this the Magiſtrates ordered one of the town officers to go up and read, which he did as far as he could, but was in like manner driven off by the fury of the ſtoning. In the interim of this, the Magiſtrates had ſent for the town-guard to protect the ſecond officer in reading; the officer of the guard ſeeing the other officer abuſed thus before their faces, commands his men to fall upon the rabble with the clubs of their muſquets, which they did, and knocked down ſome of them; but the tradeſmen that were upon the guard, in the very action deſerted, and refuſed to obey the command of their officers, which ſo encouraged the rabble, that they came on again with ſhouts and huzzas, and with vollies of ſtones they fell upon the few of the guard that were faithful, and drove them off from the ſtreet.

The officer that commanded them, retreated them into the guard-houſe, but this was not a place to be defended againſt ſuch a multitude, ſo in ſhort they broke in upon them and diſarmed them, and well it was they came off without blood, ſome of them were very much bruiſed with ſtones.

The rabble, now fluſhed with victory, were in a terrible fury, and this was the moſt outrageous part of the whole tranſaction; having diſarmed the guard, the next thing was to ſtorm the Tolbooth, immediately they got ladders to the windows, and breaking in, they ſeized upon 250 halberts, which are the town's arms; with theſe upon their ſhoulders, in rank and file they roved about the ſtreets, and made their rendezvous at the old caſtle, where their guard was kept; here they gave out, that in the afternoon, they would come down and plunder the merchants houſes, nay, and threatened their lives too, which put the whole city in an unſpeakable conſternation.

Nor were they wanting in ſome part of their threatened execution, for about three in the afternoon they detached a party of about twenty men armed, ſome with muſquets, ſome with halberts; theſe, with a drum before them, came to the Croſs, and from thence took their march down the high ſtreets, breaking open the doors and houſes of whoever they pleaſed, pretending to ſearch for arms, but ſtole and plundered whatever came in their way, and thus they continued till ten o'clock at night.

They got not above thirty muſquets, with ſome piſtols and ſwords, but the terror of the inhabitants is not to be expreſſed, who were obliged to bear this violence without complaint; this ſmall party was followed by a vaſt throng of boys and idle fellows, like themſelves, which increaſed the fright of the citizens.

Having thus ranged the city at pleaſure till about ten o'clock at night, they marched away with the ſpoil of their maſters up to their main guard, from

thence

thence they beat their tatoo round the town like a garriſon; and indeed they were no leſs, for they had the city in their full poſſeſſion, and every body's life and goods at their mercy.

Their rudeneſs in this pretended ſearch for arms is not to be deſcribed, and had they met with any oppoſition, no doubt it would have been worſe; they came into the rooms where perſons that lay ſick were juſt dying, and put all things into inexpreſſible confuſion; they came into chambers, where women were lying in, and barbarouſly made them riſe, pretending to ſearch under their beds for arms. In ſhort, except that there was no blood ſhed, they acted the exact part of an enraged ungoverned multitude.

But to return to their army of forty-five, which was all this while on its march, and were advanced as far as Kilſyth, on their way to Edinburgh.

The Government, who had an exact account of all theſe things, and who had tried all the gentle methods of proclamations, acts of Parliament, &c. finding to what height things were brought, and that nothing but force could remedy them; prepared to be before-hand with theſe forward gentlemen, and having an account both of their march and number, the Lord Commiſſioner ordered a detachment of dragoons, joined with ſome horſe grenadiers of the guard, under the command of Colonel Campbell, uncle to the Duke of Argyle, to march with all expedition for Glaſgow.

Finlay, in the mean time being at Kilſyth, has notice of the march of theſe dragoons, within a few hours after his arrival there; and hearing no news of the great parties of 5 and 6000, which he had perſuaded his men would meet him there; and being alarmed at the news of the dragoons, he ſends back —— Campbell, another of the ring-leaders of his rabble, to bring up the ſecond body which was to be ready to follow, and which were reported to be 400; but they thanked him, and ſtaid at home; and with the reſt he marched to Hamilton, where he arrived on Sunday about noon, the third day after his march from Glaſgow.

Here he quartered his army that night, and finding, as before, none of the friends that were to aſſemble from all parts, nor no news of them, he beſtowed a volley of curſes upon them, and marches directly back to Glaſgow, where he arrived, to the no ſmall mortification of his fellows, on Wedneſday, the next day but one after the plunderings I have related before; they had halted at Rugland, a Borough about two miles from Glaſgow, where, as I ſuppoſe, they called a council of war among themſelves; but, being all voters, they agreed upon nothing, but to march home, which accordingly they did; and in order of battle entered the city, and marched directly up to their main guard aforeſaid: here they made, ſays my author, their rendezvous, having not thought fit to keep the field any longer.

And now they began to think a little, for I cannot allow myſelf to ſay they had done it before; their danger began now to ſhow itſelf, and to ſtare in their

faces

faces a little; they began to conſider what they had been doing with others, and what was now like to be doing with them; they had no more protection from the act about muſtering, and the proclamation began to work with them; and now they did the only rational act of their whole management, and which indeed ſaved all their lives.

On Thurſday morning, having maturely weighed their affairs, they reſolved to ſeparate, and lay down their arms, which accordingly they did very quietly and calmly, and carried their arms, not to the Magiſtrates, where they had them, but to the Deacons of their trades, who they knew were their friends.

How it came to paſs, that Providence, whom they had ſo far provoked, inſpired them with this prudence, ſo ſeaſonably for their own ſafety, none, but that infinite Goodneſs, that puniſhes leſs than crimes deſerve, can ſay; 'tis moſt certain, they had no particular intelligence of the march of the Queen's troops, for the city itſelf knew nothing of them more than in general; but it was not full two hours after they had ſeparated, delivered their arms, and all was quiet, but the dragoons entered the town; not a Magiſtrate, nor an inhabitant knew of them, till they ſaw them upon the ſtreet, to their no ſmall ſatisfaction.

The whole party was about 220 men; they had marched with great ſecrecy all night, and ſuffered no body to paſs by them, to carry notice before of their coming; when they came near the city, Colonel Campbell detached an advanced party of twenty-five dragoons, under the command of Lieutenant Pollock, who knew the town, and knew where Finlay lived, the whole body following at a ſmall diſtance.

The Lieutenant entering the town, ſtopt, and alighted juſt at Finlay's door, and ruſhing immediately in with two or three dragoons, they find Finlay and one Montgomery, another of the knot, but famous for nothing that ever I heard of, but his being taken with him, ſitting by the fire; they ſeized them immediately, and by this time the whole body was entered the city, marched down to the Croſs, and drew up there on the ſtreet, where they ſate ſtill upon their horſes, it raining very hard all the time, which was about three hours.

The mob of the city were in no ſmall conſternation, as may well be ſuppoſed, at this appearance; and ſeveral, whoſe guilt gave them ground to think of the gallows, made the beſt of their way out of the town; there was no appearance of any reſcue, and the dragoons commanded the people off of the ſtreet, and to keep their houſes; two fellows had the boldneſs to beat a drum in two ſeveral parts of the city, but the gentlemen they called for had more wit than to come, and the drummers, with very much difficulty, narrowly eſcaped being killed.

The dragoons having ſecured their priſoners, and mounted them on horſe-back, with their legs tied under the horſes bellies, never ſo much as alighted or baited their horſes, but marched away the ſame afternoon to Kilſyth.

As they were going away, they had ſome ſtones thrown at them from the tops of houſes, and ſome that were ſtraggling behind had like to have been

knocked

knocked off of their horſes, but ſix or ſeven dragoons coming back, they were fetched off without hurt.

No ſooner were they gone out of the town but the drums beat again in all the ſtreets, and the rabble got together with all the rage and venom imaginable, and coming to the Magiſtrates, they told them in ſo many words, that they ſhould ſend ſome of their number to Edinburgh immediately, for that if they had not their two men delivered to them, they would pull their houſes down about their ears. Some have blamed the Magiſtrates for ſending to Edinburgh; but if ſuch would conſider circumſtances, how the dragoons were gone, they had an enraged mob to deal with, and no ſtrength to defend themſelves, it cannot but be thought the gentlemen were in the right to comply with the juncture of the time, and gratify rather than exaſperate them, when they were abſolutely in their power.

The Magiſtrates, however, according to the command of their maſters the mob (for ſuch at this time they were) ſent away two of the Baillies of the town and ſome of the Deacons of trades went with them, but they ſoon came back again as wiſe as they went, having received a ſevere check from the Council by the mouth of the Lord Chancellor; and it was once within a little of their being committed to priſon with the others.

Thus ended this petty war, being the only violence we meet with in the whole tranſaction. I had not been ſo large in the relation of ſo trifling an affair, but that it ſerves to clear up ſeveral other caſes to the world, which otherwiſe there are ſeveral miſtakes about.

1. And principally indeed for the ſake of the city of Glaſgow, a city which in all ages ſince the reformation, and in the very reformation itſelf, has been particularly famous for honeſty, zeal, and bravery in a conſtant oppoſition to the enemies either of the religion or liberties of their country; a city eminent for the true and ſincere profeſſion of the reformed religion, and forward upon all occaſions to ſpend their blood and treaſure in defence of it; and as nothing can be more untrue than to ſuggeſt this tumult was the act and deed of the city of Glaſgow, ſo to clear her of that ſcandal, I thought myſelf obliged to do her juſtice, by ſetting the caſe in its true light; nothing clears up the innocence of a perſon or party like bare matter of fact, and therefore I have impartially related this ſtory juſt as I received it upon the ſpot from ſeveral of the principal inhabitants of the city, whoſe integrity in the relation I have no reaſon to queſtion.

Nothing is more certain than that the tumult at Glaſgow had its riſe and beginning among the Jacobite party: in all the rabble and riots they were ſecured as they paſſed the ſtreets, they were careſſed by the mob, they huzza'd them to the work, their houſes were never ſearched for arms, nor the leaſt inſult offered to their perſons; the very leaders of the rabble were of their party, and indeed their friends mixed themſelves with the rabbles on all occaſions to prompt them to inſult the citizens.

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The rabblers themſelves, on the other hand, were a ſort of people ignorantly inflamed by this party, and unhappily ſet on fire by an accident which had its beginning rather in an ignorance of the plot of that party, than deſign to ſerve them in it.

But for the city of Glaſgow, it is clear not a citizen of any note, not a Magiſtrate, not a merchant, not any thing that can be called denominating to a place, but what abhorred it, and as far as they durſt oppoſed it; and I think it is hard they ſhould firſt fall under the misfortune, and then under the ſcandal of it too; and for that reaſon I have been thus particular in the ſtory.

Again, here may be ſeen a ſmall ſketch of the petitioners and addreſſers againſt the Union, and of their original, who they are that were moved, and who moved them; not a Papiſt, not a Jacobite, not a Prelatiſt in Scotland, but what declared themſelves againſt the Union; and thoſe honeſt men that unhappily approve them in that, may ſee what bleſſed company they were yoked with, which is a hint I cannot avoid leaving upon record for their inſtruction.

I ſhould have told you that the Sunday after being the 15th of December, the dragoons returned to Glaſgow, and inſtead of returning the two priſoners they had taken, carried away three more, and had directions for others, but it ſeems they were fled.

They went to Hamilton alſo, and ſeized two gentlemen and a lady who belonged to the Ducheſs ——, and who, they ſaid, Finlay accuſed; but both theſe, and all the reſt, were, after the Union was finiſhed, diſcharged without puniſhment; the merciful Government of her Majeſty rather delighting to pity than to puniſh the follies of the poor deluded people; ſhewing them the difference between the legally eſtabliſhed power, which they blindly oppoſed, and the paſt implacable and mercileſs tyranny which they as blindly eſpouſed.

And thus happily ended the tumult at Glaſgow, which put the honeſt people of both nations in no ſmall apprehenſions; and which, if the party had obtained their deſign in getting the poor people into arms in other places, might have been fatal enough.

Mean time the Queen was not unconcerned at theſe diſorders, and troops were ſent from England to the borders, to be ready to aſſiſt the Scotch forces, and to ſupport the Government if there had been occaſion, having orders given them to quarter in the moſt northerly towns of England, and to take their further orders from the Lord High Commiſſioner of Scotland, as there ſhould be occaſion. But the ſucceſs of things beginning to change a little after theſe hurries, there was no occaſion for them.

The Parliament was now entered upon the cloſe debate of the articles, and the firſt and chief points being paſſed in the Houſe, it was plain to every body that the Houſe was reſolved to go through the work; and it is no wonder if the laſt ſtruggles of all the parties oppoſing it were now ſeen.

All the attempts to raiſe tumults, and to rabble the Parliament out of it, had proved abortive; and it was found impoſſible to bring the common people into any thing extraordinary, while few or none of the gentry thought fit to appear with them: all that had hitherto been done, was, by an underhand kind of management of the Jacobite party, as they called them; to ſee, if poſſible, they could puſh the Preſbyterians, or the mere rabble of the common people, upon making ſome diſturbance, that ſo they might pull down their enemies by the hands of one another, and ſee their work done for them. This was apparent from the manner of proceeding, which was, by dropping papers, and ſending about private meſſages from no particular perſon, but as from their brethren in this or that ſhire; inviting, directing, and encouraging the people to meet and aſſemble; to furniſh themſelves with arms and ammunition; and naming the place and day where to meet and aſſemble, in order to march to Edinburgh; and to raiſe the Parliament, and prevent the ruin, ſuch they then called the Union, of their country, and their being given up to the Engliſh.

They took all theſe courſes to raiſe and excite the people; but ſtill they found it ineffectual as to meetings and rendezvouſes, except as you have ſeen; however, the Parliament took ſome notice of it; the Lord Commiſſioner laid it before them on the 29th of November, and they immediately cauſed a proclamation to be publiſhed, to prevent tumultuary and irregular convocations of the liedges. This was the ſame which was read in Glaſgow at the time of the tumult as aforeſaid, when the people ſtoned the meſſenger that read it, off from the head of the ſtairs of the town hall or tolbooth.

It had been conſidered, that there was a clauſe in the act of Security which impowered the people to meet, or convene in arms, under pretence of exerciſing the fencible men. The clauſe was as follows:

" And for a farther ſecurity to this realm, Her Majeſty, with advice and " conſent aforeſaid, ſtatutes and enacts, that the whole Proteſtant heretors, and " all the burghs within the ſame, ſhall forthwith provide themſelves with fire " arms, for all the fencible men who are Proteſtants within their reſpective " bounds, and thoſe of the bore proportioned to a bullet of fourteen drop " weight running; and the ſaid heretors and burghs are hereby impowered " and ordained to diſcipline and exerciſe their fencible men once in the month " at leaſt."

Now the firſt rumours of country tumults had been pretended to be founded upon this clauſe; and, that under pretence of this exerciſing and diſciplining the fencible men, any number of men might appear together in arms without breach of the law. This was indeed a wide gap in the public peace, at which there was room for a whole army to enter: for any of the gentry, nobility, or he-

retors, who were diſaffected to the affair now in hand, under the protection of this clauſe, pretending only exerciſing and diſciplining the fencible men, might aſſemble together, and keep together without any limitation of number or time, till they had formed a ſufficient force, and then marched to the deſtruction of the Government, the laws, and all the defences of the public peace.

It was time now to ſtop this breach, and therefore an act was paſt in the Houſe to repeal the above-ſaid clauſe, ſo far forth as it extended to the meeting, muſtering, and conveening together of the people during the ſitting of the Parliament: which act being a very plain evidence to the truth of what I am upon, I have added here, as being not long enough to interrupt the thread of this diſcourſe.

" Our Sovereign Lady conſidering, that, by the third act of the ſecond " ſeſſion of this Parliament, intitled, ' Act for ſecurity of the kingdom,' " It is ſtatute and enacted, that the whole Proteſtant heretors, and all the " burghs within the ſame, ſhall forthwith provide themſelves with fire arms " for all the fencible men, who are Proteſtants, within their reſpective bounds; " and the ſaid heretors and burghs are thereby impowered and ordained to " diſcipline and exerciſe their fencible men once in the month at leaſt: " and alſo conſidering, that the diſorderly and ſeditious meetings and tumults " in ſome places in the country, do make it neceſſary, at this occaſion, to ſuſ- " pend the effect of the aforeſaid clauſe during this ſeſſion of Parliament al- " lennarly; therefore Her Majeſty, with the advice and conſent of the eſtates " of Parliament, doth hereby ſuſpend the effect of the aforeſaid clauſe, and that " during this ſeſſion of Parliament allennarly. And farther, Her Majeſty, with " advice and conſent aforeſaid, diſcharges and ſtrictly prohibits the ſubjects " of this kingdom, to meet and aſſemble together in arms, after the publica- " tion hereof, upon any pretence whatſoever, during the ſpace aforeſaid, with- " our Her Majeſty's ſpecial command, or expreſs licenſe had or obtained " thereto. And requires and commands all the ſubjects of this kingdom, to " retire to their own habitations and lawful employments; certifying ſuch as " ſhall do in the contrary, that they ſhall be liable to the pains of high treaſon, " conform to the laws and acts of Parliament, made againſt unlawful convo- " tions and riſing in arms."

This was a moſt effectual ſtep to check the riots and tumults of the people, for, after this, no man of any conſideration durſt ſhow himſelf: and finding the Government reſolved to puniſh whoever ſhould make any attempt of that nature, they began to give over the thought of taking arms.

Thus the affair without doors ſeemed to attend the debates of the Parliament; and all we meet from abroad, amounted to no more than addreſſes without num-

number from the towns and countries, and ſome from the preſbyteries, againſt the Union, in the terms of the articles; with diſputes about amendments to the ſeveral articles, as they came before them; the particular caſes of which will come of courſe, in the obſervations on the minutes of Parliament.

Mean time it may be noted, the Parliament entered upon the debate of the articles, ſtating the duties, ſettling the equivalent that was to be paid to Scotland, in conſideration of the Engliſh debts, proportioning the exciſe, &c.

This affair of the Engliſh debts has been ſuch an occaſion of clamour in Scotland, that I cannot but think it very neceſſary to give a ſtate of it in ſhort, as it lay before the Parliament.

The treaters in England, as has been noted in the obſervations on the minutes of the treaty in London, had been convinced of the neceſſity of having the cuſtoms and exciſes of Scotland, when they came to an union, run in the ſame channel with the exciſes and cuſtoms in England; and this, by conſequence, engaged them in the ſame appropriations and incumbrances that the ſame duties in England were liable to.

This created an objection, viz. That Scotland was under no incumbrance of debt, at leaſt none that thoſe duties were appropriated to; and, therefore, to bring her into taxes of any ſort, other than ſuch as were to bear the burden of the war, was not conſiſtent with the equalities of burdens, which were allowed to be the only foundation of an Union.

The equity of this was not to be withſtood, and therefore the Engliſh Commiſſioners readily agreed, there was no reaſon the revenue of Scotland ſhould be applied to the Engliſh debt without conditions. But, as the circumſtances of the nations required an equality of taxes; and thoſe taxes in Scotland muſt run in the channel of the taxes of the ſame kinds in England, the Engliſh muſt pay to Scotland an equivalent in money. This was ſettled by the treaty, as in the minutes appears at large.

Now the equivalent being determined, the Parliament was for a long while employed in debating what taxes, what cuſtoms, and what exciſes ſhould be paid by Scotland. It is needleſs to enter upon the particular reaſonings on the ſeveral heads as they were debated in the Parliament, ſince the minutes of the Parliament will particularly diſcuſs thoſe points; but it may be needful to note a little, the reaſons of all thoſe diſputes.

I have often noted, that there was a party who were buſy, not ſo much in arguing for regulating, as deſtroying the articles; that argued againſt the Union in general, not againſt the articles in particular: theſe having in vain ſtruggled againſt the main articles of the treaty, ſuch as union in general, ſucceſſion, communication of trade, and the like, began now to labour at the particular heads: and firſt, they would have it, that Scotland ſhould not pay

any of the cuſtoms or exciſes in uſe in England; but when convinced of the injuſtice of theſe pretences, they could no longer object againſt an equality of taxes, then they began new debates upon the circumſtances of the ſaid cuſtoms and exciſes, and puſhed at all ſorts of exemptions, inequalities of payments, reſtrictions and latitudes they could imagine, if poſſible to bring on ſome amendments upon the articles, which they knew would perplex the Union in the Engliſh Parliament; ſuch were the liberty of exporting wool, the exemption from the duties on ſalt for ever, the reducing their ale to the exciſe of ſmall beer in England, and the like; and this makes it appear, that I have not wronged them, in ſaying, that their deſign was at the Union in general.

It would be too much to enter upon the diſcourſe here of the ſeveral objections againſt the equivalent, the taxes, the exciſes, &c. and innumerable cavils at the ſeveral duties on export or import. Theſe things occupied the whole town, and all the people, as their ſeveral fancies and informers led them, ſpent the time in canvaſſing and diſputing the articles of commerce, impoſt, &c. what could be paid, and what not.

Nor is it to be wondered that theſe debates were warm; for, as the proſpect of tumult began to abate, the people took the more liberty in ſpeech; and the Government being very backward to puniſh the exorbitances of the tongue, at a time when they were inviting all the people to unite, all the gall and ill humour of the party vented itſelf at the mouth. This filled the country with innumerable raillery and reproach; all companies were divided; nay, even families, relations, and the neareſt in affection, divided upon the ſubject.

The ſcruples of religion alſo revived now; and a great many finding the treaty was like to go on, began to ſet up their foundations for oppoſition, and revive the ſcruples of the union interfering with the national covenant; the danger of the church of Scotland, from the ſuffrages of the Engliſh biſhops, &c.

All theſe things helped to raiſe heats among the people, and ſome went up to a ſtrange height of jealouſy and diſcontent; and what they could do, they did: as for tumults and rebellions, that time began to be over with them, but parties and feuds increaſed every day; and ſo they went on till the Parliament went through the whole treaty; and how they behaved then, will follow to be ſpoken to in its courſe.

AN

ABSTRACT

OF THE

PROCEEDINGS

ON THE

TREATY OF UNION

WITHIN THE

PARLIAMENT of SCOTLAND:

AS ALSO

So much of the Minutes of the ſaid Parliament as contain Things neceſſary to be known on the Account of the Treaty;

WITH SEVERAL THINGS NOT PRINTED IN THE SAID MINUTES.

With OBSERVATIONS THEREON.

MINUTE I.

The Parliament met on the 3d of October, 1706.

HER Majeſty's commiſſion to His Grace James Duke of Queenſberry, for repreſenting her royal perſon in this ſeſſion of Parliament, read by the Lord Clerk Regiſter, and ordered to be recorded.

Her Majeſty's gift and commiſſion in favour of James Marquis of Montroſe, to be Preſident of her moſt honourable Privy Council, read, and ordered to be recorded.

The Earl of Abercorn ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Patent

Patent creating Lord Henry Scot Earl of Deloraine, read, and ordered to be recorded; whereupon he ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

The Viſcount of Kilſyth ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Moved, That the Lord Banff, who was ſometime Papiſt, being now Proteſtant, and willing to ſign the *formula* ſubjoined to the act of Parliament in November 1700, "for preventing the growth of Popery," may be admitted; and accordingly, he having taken and ſigned the *formula*, he therefore ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Petition Lady Mary Bruce, and William Cochran, younger, of Ochiltrie, her huſband, for his intereſt, againſt admitting of Sir Alexander Bruce to ſit in Parliament in the rank and dignity of Earl of Kincardin, read; Sir Alexander Bruce, in anſwer to the ſaid petition, craved that the patent in favour of Earl Edward Bruce, of Kincardin, might be alſo read; which being accordingly read, after ſome debate upon the caſe, it was put to the vote, "Hear the parties farther upon the matter, or admit Sir Alexander," and it was carried "Hear," and the next *ſederunt* appointed for a hearing.

Her Majeſty's letter to the Parliament, preſented by Her Majeſty's High Commiſſioner, was read firſt by the Lord Clerk Regiſter, and therefore read again by one of the ordinary clerks.

Her Majeſty's High Commiſſioner made his ſpeech to the Parliament; as alſo my Lord Chancellor made his ſpeech.

And Her Majeſty's letter and the ſaid ſpeeches were ordered to be printed.

Articles of Union agreed on by the Commiſſioners nominated on behalf of the kingdom of Scotland, and the Commiſſioners nominated on behalf of the kingdom of England, preſented and read, and ordered to be printed, and copies to be delivered to the members of Parliament.

Thereafter ordered, That the minutes of the proceedings of the Commiſſioners of both nations for the Treaty of Union be likewiſe printed.

Adjourned to Thurſday, October 10, 7061.

OBSERVATION I.

It might be noticed here, that ſeveral gentlemen took the Oath of Parliament, who had not done the ſame before; I obſerve it, becauſe it was ſaid, that ſome did ſo particularly to qualify themſelves to be ſerviceable in this cauſe, to the reſpective intereſts they eſpouſed: I do not ſay it was ſo; nor do I care to diſtinguiſh perſons ſo much, as to put any mark upon names from common fame; every one is to judge of that as they think fit.

The

The party againſt the Union finding the articles, as they were concluded at London, were concealed, or, at leaſt, not made public, gave out in Scotland, that the Scots Commiſſioners having had it in their power to obtain moſt advantageous conditions from England, but having been brought baſely to ſubmit to the arbitrary deſigns of ſome leading men employed in the treaty in England, they had been very ſuperficial in their demands, and therefore durſt not publiſh their proceedings till the Parliament of Scotland met, and then the whole treaty would be rejected, which would be agreeable to others of the Commiſſioners of both nations. This groundleſs opinion being diffuſed, and believed by many of their party of beſt ſenſe, made them eaſy and inactive, till too late they perceived the Queen, her Miniſters, and all perſons concerned in adjuſting that treaty, to be in earneſt; and then they turned the ſame notion to another uſe, viz. to calumniate and reproach the Commiſſioners.

The printing the articles alſo, which the oppoſers of the Union afterwards boaſted of as their act and deed, was introduced againſt their deſign; for, at the private meetings of thoſe againſt the Union, the queſtion was, how to delay the printing of the articles, or any thing elſe, whereby to g..in time, till the Parliament of England ſhould meet, which was then prorogued to the twenty-third of October; ſo that both Parliaments ſitting together, they expected to confound the meaſures for carrying on the treaty by mutual propoſals, doubts, &c. But this project of declaring the printing of the articles was prevented; for the articles being preſented and read, after a long ſilence in the Houſe, Mr. Seton, of Pitmedden, roſe up, and told the Lord Chancellor that he found himſelf obliged to propoſe the printing the articles, which had been read in the Houſe, to the end the curioſity and judgement of all ſorts of people might be ſatisfied, and that the not printing might be no argument, in time coming, for a delay to the ratifying of the treaty. Which propoſal was reſumed by the Lord Chancellor; and no member oppoſing or ſeconding it, he looked upon it as acquieſced to, and ordered the articles to be printed.

Nota, The minutes of the treaty at London, and the articles agreed on there, ſhould have been inſerted here; but they are already brought in at large, and need not be repeated. The ſpeech of the Lord Commiſſioners alſo, and the Lord Chancellor, together with the Queen's letter, are inſerted in the part immediately proceeding this, to which I refer; and therefore, and to avoid repetition, they are left out here, though they properly belong to this day's minute.

Thurſday,

MINUTE II.

Thurſday, October 10, 1706.

The Earl of Sutherland proteſted againſt the calling any Earl before him in the rolls of Parliament.

Alexander Abercrombie, of Glaſſoch, Commiſſioner for the ſhire of Banff, in place of Alexander Duff, of Bracco, deceaſed, ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Act for ſettling the orders of the Parliament Houſe read, and copies thereof ordained to be fixed on the doors, and other places, according to cuſtom.

The caſe Lady Mary Bruce and her huſband, for his intereſt, againſt Sir Alexander Bruce, of Broomhall, called, and their procurators being heard, and the Parliament having conſidered the debate, it was put to the vote, "Admit "Sir Alexander Bruce, or no;" and carried "admit:" (reſerving to Lady Mary Bruce and her huſband, for his intereſt, their right and declarator before the Lords of Seſſion, as accords.) And he did take his place as Earl of Kincardin accordingly, ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Adjourned till Saturday next at ten o'clock.

OBSERVATION II.

The Earls of Sutherland and Crawford, in the proceſs of this proteſt againſt each other for precedency, produced the nobleſt documents for the antiquity of their families, ſuch as very few families in the world can imitate.

MINUTE III.

Saturday, October 12, 1706.

The Lord Oliphant ſwore the Oath of Allegiance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Moved, That the articles of Union, agreed on by the Commiſſioners nominated on behalf of the kingdom of Scotland and England, be read again; and alſo moved, That the minutes of the proceedings of the Commiſſioners be likewiſe read; and after ſome reaſoning, it was agreed, that the ſaid articles of Union ſhould be read; and ordered, that all records relating to former treaties, betwixt the two kingdoms, be laid on the table, and in the intervals of Parliment they be to be ſeen in the Laigh Parliament Houſe, where ſome of my Lord Regiſters ſervants are to attend.

And the articles of Union being accordingly again read, it was agreed, that the Parliament ſhould proceed to the conſideration of the ſaid articles of Union the next *ſederunt*.

Adjourned till Tueſday next at ten o'clock.

OBSERVATION III.

Great oppoſition was made in Parliament this day, againſt reading the articles; and ſeveral arguments brought by the gentlemen on that ſide for delays; among which this was one, and this the firſt time it was ſtarted in the houſe, viz. The conſulting principals or conſtituents; and ſome gentlemen went ſo far as to acknowledge, the power of a member of Parliament was limited by their conſtituents; and that the Parliament could not lawfully debate, much leſs determine an affair of ſuch a nature as this, viz. Of deſtroying the conſtitution, without, as aforeſaid, conſulting and obtaining the conſent of their conſtituents.

It was replied that,

Firſt, This was not deſtroying the conſtitution.

Secondly, The Parliament was particularly called by Her Majeſty, for this end; and the work expreſſed in the proclamation for their election; and that therefore they were particularly elected by their conſtituents for this work, and thereby impowered to debate and conclude it without farther powers.

Thirdly, Others argued the poſitive, and affirmed the Parliament had full power to act on this matter, though there had been no ſuch expreſſion in the proclamation.

The debate was long and warm enough, and began to inform us what was to be expected; but on the whole it was carried to read the articles, by a great majority; the other being taken as an attempt to gain time.

A propoſal was made this day for a general faſt, which occaſioned ſome debates, but was adjourned.

And here it was very publicly obſerved, from what hands the motion of a faſt came: ſome maliciouſly enough, though merrily, noted, that the motion of a faſt came firſt from thoſe, who were very rarely obſerved either to faſt or pray, and that now began to talk ſo religiouſly, that it was taken for a mere banter.

On the other hand, it was obſerved, that the moſt ſober and religious members, both of the nobility and gentry, oppoſed this motion in the Houſe; but the reaſon was evident.

The great project juſt then carrying on in the kingdom, was to amuſe the people, poſſeſs them with fears of ſome ſtrange thing then tranſacting,

and of impending dangers dreadful to the kingdom, and which they had no remedy to prevent, but, as in great diſtreſs, to fly to their prayers, as mariners in a ſtorm. This they thought would of courſe be made the more terrible by the miniſters in general exciting the people to extraordinary humiliations, which, whether ill deſigned or no, might be ill enough improved, and the people thereby made the more uneaſy.

Perhaps, alſo, they might hope for ſome indiſcretion and undue warmth in the pulpit, eſpecially from ſome men, which they were willing to think they could influence to ſo much weakneſs: but in this alſo they were diſappointed.

For the ſame reaſons, thoſe gentlemen who were of the moſt religious converſation, and known to be well affected to the church, and to any thing that had but an aſpect of ſincere piety, were nevertheleſs againſt this faſt, as unſeaſonable and dangerous, and as a thing they foreſaw was deſigned particularly to make the people uneaſy with theſe proſpects. The debate was urged warmly enough on both ſides, but at laſt was adjourned; and ſo the deſigned faſt was put off for the preſent, though it was afterwards introduced piecemeal, and all the uſe made of it that could be to raiſe the ſpirits of the people, if poſſible, to the diſorders aimed at, as we ſhall ſee in the ſequel of this hiſtory.

MINUTE IV.

Tueſday, October 15, 1706.

Warrant granted to the barons and freeholders of the ſhire of Fife, to meet on Tueſday the 29th inſtant, to elect a commiſſioner in place of Sir Archibald Hope, of Rankeillor, deceaſed.

Moved, "That according to the laſt minutes, the Parliament ſhould now "proceed to the conſideration of the articles of the Union."

Moved, "That the members of Parliament may yet be allowed eight days "farther to conſider more deliberately the articles and minutes;" and, after ſome reaſoning, it was put to the vote, "proceed preſently to the conſide-"ration of the articles of Union", or "continue the conſideration thereof till "the firſt *ſederunt* next week," and it carried, "proceed."

Whereupon the firſt article of Union was read, as alſo the minutes of the proceedings of the Commiſſioners for the treaty relative thereto, and Her Majeſty's commiſſion to the Commiſſioners for the treaty on behalf of this kingdom, were likewiſe read; and after ſome reaſoning and diſcourſing thereupon, the farther conſideration thereof was delayed till the next *ſederunt* of Parliament.

Adjourned till Thurſday next at ten o'clock.

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OBSERVATION IV.

Here, the gentlemen who appeared againſt the Union, finding they could not carry the point, as debated the laſt day, moved for a delay of but eight days; and ſeveral arguments were offered, to obtain ſo ſhort a delay.

But in this they loſt ſeveral of thoſe who voted with them before, and who ſeeing the vote of conſulting conſtituents rejected, could not be convinced of the advantage of eight days delay; and this made it ſeem more particularly a deſign only to delay.

Whereupon the queſtion being put, it was carried by a great majority; and this was the firſt trial of the ſtrength of the parties, and the firſt encouraging proof that the Union would go on: The majority on this vote was ſixty-four; but the names having not yet been ordered to be made public, it was not known who were on one ſide or the other.

Before this vote was put, it was alſo debated, whether this reading of the articles ſhould be in order to proceed upon them to a vote. And here again the gentlemen had their turn of advantage: nor was there any great oppoſition; for thoſe who were for the Union, were yet willing to have it fully debated, and all things for its better explanation underſtood, and were content to have it as thoroughly examined as they pleaſed, and therefore gave their votes freely for a general reading.

The other gentlemen, who were only puſhing at delays, and ſtriving to gain time, thought they gained a great point in this; and therefore, with all their intereſt they puſhed at a general reading only, which was preſently agreed to, viz. "That the articles ſhould be read and diſcourſed of in this "Parliament, but that none of them ſhould be voted, till all was read over "and conſidered."

Upon the above debate, and concluding only to read and diſcourſe, the firſt article of the treaty was read publicly; but the reading of the commiſſions and minutes taking up a great deal of time, there was not much diſcourſe in the houſe at that time; for the great affair now in agitation was, to ſtir up the people without doors, and bring them, either by clamour, tumult, or tumultuous addreſſes, to declare a general diſlike both of the Union in general, and of the Articles in particular; and at this time they began to threaten from without doors.

The ſtreets and doors were exceedingly thronged this day in expectation of the event, the people expecting ignorantly to hear whether the firſt article was voted and approved, or rejected; and when ſomebody came out

and ſaid unwarily the firſt article was not voted, it ran through the town, that it was rejected; and the mob, who appeared now to be managed by ſome gentlemen, began to ſhout, and people apprehended the Union had been voted againſt in the general; but they were diſcovered too ſoon by this; and it was preſently underſtood, that the article was only diſcourſed of, and the diſcourſe adjourned too.

The next day the minutes being printed, the minds of the people were a little cooled, when they ſaw the Houſe went on ſo deliberately, and that nothing was to be voted till all the articles were read over and conſidered.

MINUTE V.

Thurſday, October 17, 1706.

Addreſs of the Commiſſion of the late general aſſembly of the church of this kingdom, for eſtabliſhing and confirming the true Proteſtant religion, and government of the church, as by law eſtabliſhed therein, read; and thereupon the Parliament declared, that, before concluding the Union, they would take the ſaid addreſs to their conſideration, and would do every thing neceſſary for ſecuring the true Proteſtant religion and church government, preſently by law eſtabliſhed in this kingdom.

Diſpenſation granted to inferior Courts to ſit, notwithſtanding of the ſitting of the Parliament.

The Parliament proceeded to the farther conſideration of the articles of Union, and the ſecond article thereof was read; as alſo the minutes of the treaty relative thereto; and the act of the Parliament of England, in the firſt year of the reign of Their late Majeſties King William and Queen Mary, intitled, "An Act declaring the rights and privileges of the ſubjects, and ſet-"tling the ſucceſſion of the Crown," were likewiſe read, and were thereafter reaſoned and diſcourſed upon.

The third article read.

And thereafter the fourth, fifth, ſixth, ſeventh, and eighth articles were all ſeverally read, with the minutes relative thereto, and were all reaſoned and diſcourſed upon.

Adjourned till Saturday next at ten o'clock.

OBSERVATION V.

The Commiſſion of the General Aſſembly having ſat from the 9th inſtant, had been in ſeveral warm debates about the matter, in what manner they ſhould behave themſelves in this juncture: Some hot gentlemen had given

them diſturbance enough about the matter of the faſt, and without doors it was reported, they would proteſt againſt the Union.

But the generality being governed by more temper and moderation than ſome people hoped for, all things went on there peaceably, I mean, as to their public reſolutions; and the addreſs to the Parliament was conceived in as moderate terms as could be expected, and is at large printed in the Appendix, N. B *.

The anſwer to it was alſo ſatisfactory enough; in that they declared, they would go upon the addreſs, before any thing was concluded; it was, however, warmly preſſed in the Parliament, That the ſaid addreſs ſhould be immediately entered upon, before they went on upon the Union; but this, as another advantage deſigned for delay, was checked, and the anſwer in the minute agreed upon.

Great pains was taken alſo at this time, to make the Commiſſion of the Aſſembly uneaſy at this anſwer, as not ſatisfactory; jealouſies were fomented, and ſuggeſtions whiſpered about from one to another, as if the Parliament deſigned to poſtpone the affairs of the Church to the laſt, and ſo perhaps drop them at once: This obtained but too much, and being put forward by warm and uneaſy people, grew higher and higher, and helped on the inflammations which unhappily followed.

The ſubject of the firſt article, though not named in the minutes, was alſo re-aſſumed in the diſcourſes of this day, and ſeveral arguments againſt the Union itſelf, as an incorporating Union, were brought, in order to prove it impracticable, inconvenient, and diſadvantageous to Scotland; and therefore that they ought rather to proceed upon the conſideration of the general, before they went on to the particular articles.

This, however, was only diſcourſed, and the reading the ſeveral articles having been already approved, they proceeded to the reading the reſt of the articles, as in the minutes.

In the reading the ſecond article, the Engliſh act of Parliament for limiting the ſucceſſion, &c. was diſcourſed on, and much was ſaid about the Engliſh limitations; and ſome people that had been of another mind formerly, ſeemed to diſcover an inclination of coming into the ſucceſſion with limitations, and began to enter into the matter of limitations; but this being remote to the work, was dropt for the preſent, and we ſhall meet with it again in its place.

The third article alſo relating to uniting the Parliaments of both kingdoms was read, and ſome took the liberty to jeſt with it as a chimerical calculation, and that they had no power to alter the repreſentative of the

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nation, that Scotland could not conſent to be governed by any other repreſentative, than they were now; and that, if the Parliaments were to be made one, Scotland's whole Parliament ought to be joined to the Engliſh Parliament, and that Scotland ought no more to abridge her repreſentative than England, and the like.

But the unreaſonableneſs of this was urged from the diſparity, in extent of the country, number of people, and proportion of taxes, of which hereafter.

The five enſuing articles being all upon privileges of trade, exciſes, and cuſtoms, the diſcourſes were very general on both ſides, and thoſe things ſeemed referred to more debates afterwards. All that was ſaid of thoſe things now, ſeemed rather to tend, if poſſible, to perſuade the people in general, that the Union was impracticable, that Scotland could not come into the taxes, and that the equalities talked of, would ruin their trade and ſtarve their poor.

Without doors, ſtrange uſe was made of theſe articles of taxes, and the people were made to believe, their ſalt, their malt, their beer, their fiſh, would all be loaded with inſupportable taxes, and their whole trade ſhould be ruined, their houſes plundered for taxes, and their people ſtarved; and no man that ſhall ſee with what frightful apprehenſions the poor people were poſſeſſed, will any more wonder they were ſo eaſily brought into tumults and diſorders.

Nota, This day there were ſtrong rumours about the town, of the mob coming up to the Parliament, to demand, that the crown and ſcepter of Scotland ſhould not be given up, and carried away to England.

This was the effect of ſome popular ſpeeches let fall by thoſe gentlemen who oppoſed the treaty, and induſtriouſly ſpread about the town a report, that the ſovereignty of Scotland was to be ſubjected to the Engliſh; and the poorer ſort that underſtood leſs, had the ſame thing in other words, viz. that the crown of Scotland was betrayed; that it was to be carried to England, and never to be ſeen here more. Of which ſee at large in its place.

The Houſe, however, took no notice of this yet, as being a rumour only, though the members were not without apprehenſions, that it might riſe to a greater height; and that they might come to be inſulted, even in the Houſe, as indeed was afterwards very probable.

MINUTE VI.

Saturday, October 19, 1706.

Minutes of the laſt *ſederunt* read.

The Parliament proceeded to the farther conſideration of the articles of Union, and the ninth, tenth, eleventh, twelfth, thirteenth, and fourteenth articles, were all ſeverally read, with the minutes of treaty relating thereto, and all diſcourſed on.

The fifteenth article of Union was likewiſe twice read, and diſcourſed and reaſoned on; as alſo the minutes relative thereto: and after ſome reaſoning thereon, there aroſe a debate about the calculation of the equivalent of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings therein mentioned, which was adjourned till the next *ſederunt* of Parliament.

Adjourned till Tueſday next at ten o'clock.

OBSERVATION VI.

The calculations of the ninth article were a little examined, but appeared ſo juſt, and the equalities ſo well ſtated, that there was no room to object; for the ceſs being but the ſame upon Scotland as before, there could nothing be ſaid why they ſhould not go into meaſures for carrying on any joint expence, which, in time to come, the united body ſhould ſee cauſe to put the whole to.

And this was the firſt viſible explication of the doctrine of equalities, and a proof that equalities conſiſted in proportions; of which, more hereafter. Some people, to ſerve the deſigns now on foot, had made the ignorant people believe, that, by equalities, would be underſtood a numerical equality, and that Scotland ſhould pay in every thing juſt as the Engliſh did. This did therefore a little ſerve to open the eyes of conſidering people, and let them ſee, that the treaty had been founded upon ſomething of juſtice; for by this time it had been repreſented as a ſtrange many-headed monſter, that had nothing but mouths and teeth, and unfathomable gulphs to devour and deſtroy the people.

The five articles between the ninth and fifteenth required little debate, ſince they conſiſted only of negatives, and proviſion made for Scotland againſt payment of any of the duties then levied in England by the ſtamp-office tax, glaſs-window tax, and the ſeveral duties on coals and malt; together with exemption from any of the proportions of ceſs as above for the firſt year: only, from theſe articles, ſome gentlemen took occaſion to remind them of the ne-

ceſſary care taken by the treaters, to exempt Scotland in all caſes from ſuch burdens as they found them unable to bear, and which abſolute neceſſity did not oblige them to ſubject her to, and in ſuch caſes to receive equivalents for whatever they were obliged to come into by the neceſſity of trade.

But the ferment was now grown high, and theſe diſcourſes had little ſignification, the people being unhappily prepoſſeſſed beyond the power of conviction.

The fourteenth article occaſioned long diſcourſes, both within doors and without, and a great many ill-natured things were ſaid on both ſides; the matter of an equivalent had not yet been examined much into, and the reaſon, nature, and neceſſity of it, had gone but a very little way into the underſtandings even of the gentlemen themſelves. The treaters alſo here met with ſome indecencies; and the reflections made on them, had ſuch an effect in public, as had they not met with ſome check, might have been perſonally miſchievous to them, as to the part acted abroad—ſee folio 236 of the next precedent part. Within doors they met with ſome very unkind reproaches, as if they had not made due proviſions for their country's neceſſities, had conſented to intolerable and unjuſt burdens, aud had mocked them with the notion of an equivalent, which did not leſſen the burdens upon the nation, their payment being to be levied where it could not be paid; and then repaid again where it was not levied.

To make good theſe charges, they pretended to make calculations upon the proportions of the ſaid equivalent; and ſome, indeed, brought in their own rough draughts of diſproportions; whereupon it was moved, That the Houſe ſhould enter upon more exact calculations, and examine the matters of fact. Of which ſee the next minute.

MINUTE VII.

Tueſday, October 22, 1706.

The debate anent the calculation of the equivalent of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings, mentioned in the fifteenth article of Union, reſumed; and after ſome time ſpent thereupon, it was agreed to nominate a committee of three perſons of each ſtate to proceed and examine the calculation of the ſaid three hundred ninety-eight thouſand eighty-five pounds ten ſhillings, and to report to the Parliament, and the next *ſederunt* of Parliament appointed for nominating the ſaid committee.

Thereafter ſeveral paragraphs of the ſaid fifteenth article were again read, and farther reaſoned and diſcourſed on.

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The ſixteenth and ſeventeenth articles were alſo read, and the minutes relative thereto, and were reaſoned upon.

The eighteenth article and the minutes relative thereto were likewiſe read, and after ſome diſcourſe and reaſoning thereon, the farther conſideration of the ſaid article was delayed till next *ſederunt* of Parliament.

Adjourned till Wedneſday, October 23, 1706.

OBSERVATION VII.

The debate of the equivalent grew higher this day than before, and the fifteenth article was the ſubject of a great deal of ill-natured diſcourſe in the Houſe; from without there was a very terrible clamour, and the humours of the people being brought, as it were, to a pitch, but too much appeared to correſpond with ſomething viſible within doors. Several very unkind reflections were made upon the treaters, not upon their judgements only, but upon their integrity, as if they had been leſs juſt to their country than conſiſted with the truſt repoſed in them.

The gentlemen on the other hand defended themſelves as calmly as they could, and endeavoured to clear up the objections made to the juſtice of their proceedings, offered to examine the calculations, and anſwer any thing that could be objected. But the Houſe grew too much out of temper to talk much of it then; and the prudence of the High Commiſſioner, in order to calm things, and keep them as eaſy as poſſible, prevented its running higher at that time. The former propoſal was re-aſſumed, viz. To refer it to the examination of a Committee; and the Houſe was moved to name the Committee.

Upon this motion it was again moved, That none of the treaters ſhould be capable of being named to the ſaid Committee. This, though it looked as if the Committee were to be a jury upon the treaters to examine their conduct, yet the gentlemen unanimouſly agreed to; and the chooſing a Committee was approved, who went through the calculations, and gave in ſuch exact accounts of things, as abundantly cleared up the reputation of the Commiſſioners.

It was alſo moved, that, to aſſiſt the ſaid Committee, two very able accomptants, or arithmeticians, ſhould be found to examine the calculations; one of which was Dr. James Gregory, profeſſor of the mathematics in the college of Edinburgh; the other was Dr. Thomas Bowar, profeſſor of the mathematics in the college of Aberdeen.

The ſixteenth and ſeventeenth articles about the coin, and about weights meaſures, occaſioned little or no debate.

The eighteenth article had indeed ſome diſcourſe upon it, as what ſhould or ſhould not be alterable by the Parliament of Great Britain; and ſome gentlemen were for eſtabliſhing all the preſent laws without alteration; a thing no nation in the world practiſes; ſince circumſtances of nations altering, may always make it neceſſary to alter, amend, renew, or repeal the laws and uſages of a nation.

And the diſtinction in the article itſelf was ſuch as few could object to, viz. "That no alteration ſhould be made in the laws reſpecting private rights, ex- "cept for the evident utility of the ſubject within Scotland." This, therefore, ſeemed to explain the true meaning of the article in that point; yet the other part of the article about the laws of public right, policy, and civil government, being made the ſame throughout the whole united kingdom. This occaſioned long diſcourſes, and held the Houſe ſo late, that they thought fit to adjourn it till the next *ſederunt*.

MINUTE VIII.

Wedneſday, October 23, 1706.

The Parliament, conform to the minute of the laſt *ſederunt*, proceeded to elect the Committee for examination of the calculation of the equivalent of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings; and the three eſtates ſeparated to their uſual places, returned and reported their reſpective elections, and the liſt of the Committee is as follows: Of the nobility, the Marquis of Montroſe, Lord Preſident of the Privy Council; the Duke of Argyle; and the Marquis of Tweeddale. Of the Commiſſioners for Shires, Sir Alexander Campbell, of Ceſnock; George Baillie, of Jerviſwood; and John Hadden, of Glenagies. Of the Commiſſioners for Burghs, Robert Inglis, Lieutenant Colonel John Areſkine, and Hugh Montgomery; and the Committee was appointed to meet in the inner ſeſſion houſe the firſt interval day of Parliament, at ten o'clock in the forenoon.

Thereafter the eighteenth article of Union was again read; and upon reaſoning thereon, it was moved, that the Engliſh laws concerning regulation of trade, cuſtoms, and ſuch exciſes, to which this kingdom, by virtue of the treaty, is to be liable, be printed for information. Moved likewiſe, that it be remitted to a Committee to conſider the ſeveral branches of our trade as to export and import, with the Engliſh laws and book of rates in relation thereto, with the cuſtoms and exciſes thereof, for the ſatisfaction of the members of Parliament thereanent, and to cauſe print ſuch of the acts of the Engliſh Parliament concerning the ſame as they find expedient, or to report to the Parliament;

liament; and after ſome debate on theſe motions, the farther conſideration thereof was delayed till the next *ſederunt* of Parliament.

Adjourned till Friday October 25, 1706.

OBSERVATION VIII.

This was the fatal day of the tumult in the ſtreets, and the Houſe was no leſs warm within, proportionably ſpeaking, than the gentlemen were without; all which had its ſhare in agitating the public confuſions. I am far from ſaying, that the arguments uſed within doors occaſioned the rabbles; but the improvement a party without doors made of them, and the manner in which things now ſaid in the Parliament were repreſented without, concurred to increaſe the ferment of the nation.

The diſcourſes on the eighteenth article were now carried on with great warmth: many long ſpeeches were made this day, too long to be ſet down here, but tending all to this; that Scotland ought not to ſubject themſelves to duties of any ſort, before it ſhould be known what ſuch duties were; that no laws of cuſtoms or exciſes ſhould take place, and that it could not be proper to allow the ſeveral laws of exciſe or cuſtoms in England, till it was firſt calculated and agreed what cuſtoms and exciſes Scotland was to pay. Then the diſcourſes on the paying equalities of taxes being re-aſſumed, ſome took occaſion to make reflections again on the treaters, for ſubjecting their country to taxes, which firſt they alledged they did not underſtand, and ſecondly they were not able to pay.

The reproaches caſt upon the treaters, the ill behaviour of ſome members, and the indecencies ſhown in theſe caſes, were ſo univerſal, that even Her Majeſty's High Commiſſioner did not eſcape, but was very ill uſed; which, nevertheleſs his Grace with a great deal of temper ſuffered, without any diſorder, preferring the public peace to all his private reſentments; and by this prudence, prevented thoſe who deſired to have things exaſperated, and hoped to ſee the reſentment of the Government run up firſt, that they might have ſomething to pretend for the irregularities which followed.

It may alſo be obſerved here, that the printing the Engliſh laws, books of rates, exciſes, and cuſtoms, which it was very certain would not be underſtood here, and from which a thouſand falſe ſuggeſtions would every day be raiſed, whence few people could anſwer, was a deſign calculated for a great many ends, which were to be anſwered in the future proceedings, and of which we ſhall hear more hereafter.

A Committee was nominated alſo for this work, and thouſands of difficulties were continually raiſed in the mouths of the people, to expoſe the treaty, and exaſperate the people; ſuch as, that the tax upon ſalt was intolerable, and that it would deſtroy the fiſhery; and the poor were repreſented to ſubſiſt ſo much upon ſalt, as if it had been one of the greateſt parts of their food.

The exciſe on beer, ale, &c. was repreſented as inſupportable, and great pains were taken to prove, that the Engliſh paid 4s. 9d. per barrel upon their table beer, and that the Scots ſmall ale muſt pay equal exciſe to the Engliſh ſtrong beer: and this was publicly printed in the ſtreets on purpoſe to enrage the people.

It was in vain to offer calculations on thoſe heads; and, though it was, by the author of this work, proved by direct and poſitive demonſtration, that the exciſe of their ale could, in proportion, pay no more than it did now, even by the calculation of the Engliſh exciſes; and that the expence of ſalt in any houſe in the kingdom, could not riſe to above 20d. per head per annum; yet it was in vain; all calculations of this ſort were ridiculed and expoſed as falſe and partial, and the author maltreated in print for his eſſays on thoſe things, as an enemy to the country; and in order to expoſe him to the fury of the rabble, which had particularly marked out for deſtruction, in the general commotions which followed.

But all theſe calculations appeared afterwards to be right, as in their place will more particularly appear.

However, the whole debate of this day could not bring them over the eighteenth article, the farther diſcourſe of which was, as per the minute, adjourned; and what interrupted it farther, you will ſee in the next day's work.

The ſalt was an argument people ſtuck very cloſe to, and ſtrove to make it popular; for the poor ſeemed to be concerned in it, and thoſe that eſpouſed it, whatever their ends were in eſpouſing it, they always made the relief and eaſe of the poor the main argument. This was taking and engaging with the common people; and as much uſe was made of it as if the ſalt had been a principal part of their food, and the duty ſo great, that the poor muſt have been ſtarved if they had paid it. The debate, however, had this effect, that it brought the Parliament to enter into the conſideration of amendments and exemptions, which they particularly ſettled in this affair, and which the Parliament of England eaſily came into, as will appear in its place.

MINUTE

MINUTE IX.

Friday, October 25, 1706.

The Lord High Chancellor repreſented to the Parliament, That he was directed by the Lords of Her Majeſty's Privy Council, to acquaint the Parliament, that upon occaſion of a rabble and tumult that happened in Edinburgh upon Wedneſday night laſt, by which ſeveral members of Parliament were threatened and inſulted; the Privy Council had, for the ſecurity of the members of Parliament, and peace of the town, brought in a part of the foot guards to the town of Edinburgh, and had iſſued forth a proclamation againſt ſuch tumultuary meetings, in the terms of ſeveral acts of Parliament.

Whereupon, and after ſome reaſoning, a propoſition was made in thir terms, That the eſtates of Parliament being ſenſible of the care and concern of the Lords of Privy Council to ſuppreſs the late tumult and mob, and to ſecure the ſafety and quiet of the Parliament, that therefore they ſhould return to their Lordſhips the thanks of the Parliament; and ſhould recommend to my Lord High Commiſſioner and the Privy Council, to continue their care for the ſafety and ſecurity of the Parliament, and the peace and quiet of the town: which being read,

After ſome diſcourſe thereupon, it was moved, That the proclamation of Privy Council ſhould be read; and the ſame being accordingly read, the Earl of Errol, Lord High Conſtable, gave in a proteſtation, in the following terms; "That he, for himſelf, and in name of ſuch as ſhould adhere to his "proteſtation, proteſted, that the continuing of ſtanding forces within the "town of Edinburgh, and keeping guard with them in the Parliament Cloſs, "and other places within the town, the time of Parliament (as at preſent is "done) is contrary to the right of his office as High Conſtable; by which "he has the only privilege of guarding the Parliament without doors, as the "Earl of Mariſchal has within doors, and is an encroachment on the rights "and privileges of Parliament, and on the particular rights and privileges "of the town of Edinburgh; and if any vote ſhall paſs contrair to his ſaid "right, or the right of the Earl Mariſchal, or rights and privileges of Parliament, or the town of Edinburgh, that it ſhall not in any time hereafter "prejudge the ſame, or be any ways drawn in conſequence." And he deſired the ſaid proteſtation to be inſerted in the minutes, and recorded in the books of Parliament: which proteſtation being read, the ſaid Earl of Errol did take inſtruments thereupon; and the Duke of Hamilton, Duke of Athol, Marquis of Annandale, Earl Mariſchal, Earl of Wigton, Earl of Strathmore, Earl of Selkirk,

Selkirk, Earl of Kincardin, Viſcount of Stormont, Viſcount of Kilſyth, the Lord Semple, the Lord Oliphant, the Lord Balmerinoch, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, and the Lord Kinnaird; George Lockhart, of Carnwarth; Sir James Foulis, of Collington; Andrew Fletcher, of Saltoun; John Briſban, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; John Steuart, of Kinwhinlick; John Grahame, of Killearn; James Grahame, of Bucklyvie; Robert Rollo, of Powhouſe, Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; Sir Thomas Burnet, of Leys; Alexander Gordon, of Pitlurg; James Moore, of Stoniewood; Mr. Patrick Lyon, of Auchterhouſe; David Grahame, of Fintry; James Ogilvie, younger, of Boyn; Alexander M'Gie, of Palgown; Mr. James Dumbar, younger, of Hemprigs; George Mackenzie, of Inchcoulter; Alexander Robertſon, Alexander Edgar, Alexander Duff, Francis Molliſon, Robert Kellie, Mr. William Sutherland, Archibald Shiells, Mr. John Lyon, Mr. John Caruthers, George Home, Mr. James Bethun, John Bayne, and Mr. Robert Frazer, adhered thereto.

And after ſome farther debate upon the ſaid propoſition, a vote was ſtated, "approve thereof or not;" but it being objected, that the ſame conſiſted of two diſtinct articles, the one approving what was done, and the other recommending to the Privy Council to continue their care, which ought to be ſeparately conſidered and voted; the vote was thereupon ſtated, whether the propoſition ſhould be voted jointly or ſeparately.

But before voting, upon a motion made by the Commiſſioners for the town of Edinburgh, it was agreed to, That it ſhould be but prejudice of the ſaid town of Edinburgh's rights and privileges by their charters.

Then the vote was put jointly or ſeparately, and it carried "jointly."

Thereafter the vote was put "approve of the propoſition or not," and it carried, "approve."

Adjourned to Monday, October 28, 1706.

OBSERVATION IX.

This whole day was a mere interruption to the reading of the articles, and the Houſe was employed wholly on the affair of the rabbles.

The Lord Commiſſioner having found the increaſe of the mob come to ſuch a degree, as that the whole city was in danger, and indeed the whole conſtitution would otherwiſe have been expoſed, His Grace ordered the guards to enter the city about one of the clock in the morning, to aſſiſt the magiſtrates; by which means the tumult was appeaſed, and the rabble diſperſed;

perſed: ſome of the rioters had been ſeized and ſecured, and the ſoldiers kept poſt in the city all that night, the enſuing day and the night, and part of this day, without being relieved, though the weather was exceeding cold.

The Council had the day before ratified what the Lord Commiſſioner had done, and it was not doubted but the Parliament would do the ſame; the abſolute neceſſity of ſuch a proceeding being, as was thought, enough to ſatisfy any body who was not for having the civil authority ſubjected to the inſolence of the rabble.

But people were ſtrangely ſurpriſed when they ſaw this ſtrenuouſly oppoſed in the Parliament; and had it not been carried by a majority in the Houſe, the conſequences muſt have terminated in a ſecond rabble, more fatal and furious than the firſt.

The Marquis of A——le was the firſt man who made objection againſt it; and pleaded, that it was an encroachment upon the liberty of Parliament, and taking away their freedom of ſpeech. That it was awing the Houſe with ſoldiers, and bringing upon them arbitrary government; and ſeveral ſpeeches were made to this purpoſe, in which one noble perſon ſaid, he could perceive the difference already in the votes of the Houſe, and that the influence of the ſoldiers had altered the matter.

Theſe were hard ſayings indeed; and it was thought a hard point that people ſhould call the being ſubjected to an ungoverned rabble, liberty of Parliament; and the clamours of the mob, freedom of ſpeech. It was plain, if the guards were not brought up, the members of Parliament would be awed, and the treaters maſſacred by the mob: and to place guards to ſuppreſs tumults, and reſtrain the headſtrong multitude, was very far from awing the Parliament; it being alſo apparent that this guard was entirely ſubordinate to the commands of the Parliament, and were placed to maintain, not infringe the liberty of ſpeech they ſpoke of. That no man could be influenced by men ſet only to keep the peace, and diſperſe rabbles; and in a caſe when it was apparent to all the world, the neceſſity was ſuch, that, unleſs thoſe rabbles were ſuppreſſed, the Parliament could not ſit at all, nor the buſineſs they were aſſembled for be debated.

The oppoſers, however, maintained the diſpute a long time; but when they came to the queſtion, it was apparent, a great many of their friends in other caſes, yet were ſo convinced of the neceſſity of this, that they voted againſt them; and ſo the actings of the Lord Commiſſioner, and alſo of the Council, were approved, and the thanks of the Houſe ordered, as in the vote.

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The proteſters are named in the minute, as above; and this, I think, was the firſt proteſt made in Parliament upon the affair of the Union.

This debate, of courſe, put off the farther conſideration of the eighteenth article of the Union, which was the work of the day.

There was great ſtruggling in the Houſe, on pretence of the infringing the privileges of the city of Edinburgh; but the magiſtrates having declared themſelves ſatisfied in the neceſſity of the caſe, and the impoſſibility of keeping the peace without this method, that debate was alſo couched in the proteſt, as above, and every body acquieſced. The guards continued in their poſts, and the reſpective regiments relieved one another with beat of drum, as is uſual, but the effect was only keeping the peace. No violence was offered to the Parliament, neither were any ſoldiers placed at the door to awe the members, much leſs was any denied entrance, or any other perſon acceſs to them, as on other occaſions: but the Parliament was perfectly free, open, and uninterrupted, the ſoldiers were a guard to them, but not a guard againſt them; and it was not in the power of any perſon to ſay he received the leaſt affront from them. Indeed the ſoldiers appeared wholly unconcerned in any part of the affair, they only executed the office of a guard to preſerve the peace, and keep the Government from being inſulted.

And in this peaceable behaviour of the ſoldiery conſiſted a great deal of the ſucceſs of the treaty; for this took away all pretence from a party of men, who aimed at, and ſought for ſome ſuch irregularity to complain of, in order to have proteſted againſt the Parliament, as under reſtraint, and ſo having a legal objection againſt the proceedings, as not acted in a free Parliament.

This was a diſappointment to a certain great perſon, who propoſed a proteſt againſt this very thing, as an act of violence, and ſo leaving the Houſe as a body, pretending they were under the power of the army. But the ſoldiers being ſo ordered, as to behave themſelves quietly, and only taking poſt as a guard to the city, to preſerve the public peace, the doors of Parliament being always free and uninterrupted, thoſe people were defeated; and even their own friends, whom they propoſed it to, refuſed them, acknowledging they could not ſuſtain the allegation.

I think it is very neceſſary to be particular in this caſe, becauſe I know great clamours were made, as well in England as in Scotland, as if the ſoldiers, who, upon this extraordinary occaſion, were brought into the city, and who did indeed keep guard in the Parliament Cloſs, were an awe

and a terror to the Parliament, and that conſequently it was not a free Parliament.

MINUTE X.

Monday, October 28, 1706.

Minutes of the laſt *ſederunt* read.

Thereafter the Parliament proceeded to the conſideration of the articles of Union, and and the eighteenth article was again read, and farther diſcourſed on.

Thereafter the nineteenth, twentieth, and twenty-firſt articles were read, and the minutes relative thereto, and the farther conſideration of theſe articles delayed till the next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION X.

The debate of the eighteenth article came now on; but the diſturbance and hurry was ſuch upon all men's minds, that there was very little diſcourſe, but what ran all into the public matters, as of the tumults, the guards, &c.

About this time the rumours of the uneaſineſs of the people in the country began alſo to increaſe; and the Parliament was daily threatened with inſurrections and mobs from abroad; but nothing appeared publicly yet.

MINUTE XI.

Tueſday, October 29, 1706.

The nineteenth article of Union was again read, as alſo the twentieth and twenty-firſt articles, and were ſeverally reaſoned on.

Thereafter the twenty-ſecond and twenty-third articles were likewiſe read, and the minutes relative thereto, and after ſome reaſoning thereupon, the farthar conſideration of theſe articles was delayed till the next *ſederunt* of Parliament.

Adjourned till to-morrow at one o'clock.

OBSERVATION XI.

Nothing material was offered in the reaſoning upon theſe articles; there was ſome debate upon the proportions of members for the Parliament of Britain, and ſome ſuggeſtions, that Scotland ought to retain her whole Parliament; but thoſe that oppoſed it, did not think fit to enter much into the diſpute of that point, till the ſecond reading of that article.

MINUTE XII.

Wedneſday, October 30, 1706.

The twenty-ſecond and twenty-third articles of Union were again read, and farther diſcourſed on.

Thereafter the twenty-fourth and twenty-fifth articles of Union, and the minutes relative thereto, were alſo read, and ſeverally reaſoned on.

Act adjourning the ſeſſion till the firſt day of December next, read, and a firſt reading ordered to be marked thereon.

Adjourned till Friday next at ten o'clock.

OBSERVATION XII.

This day ended the firſt or general reading of the articles; and theſe laſt articles being ſuch, as would be neceſſary, or not neceſſary, as the general treaty ſucceeded or not, there remained no occaſion of debate on this reading, ſince they were not now to be approved or voted.

MINUTE XIII.

Friday, November 1, 1706.

Moved, " That the Parliament now proceed to the farther and more particular conſideration of the articles of Union, in order to approve them or not, and to begin with and read the firſt article."

Moved alſo, " That the farther conſideration of the articles of Union be yet delayed for ſome conſiderable time, that the ſentiments of the Parliament of England thereanent be known; and that the members of Parliament may conſult theſe whom they repreſent;" and after ſome debate on theſe motions, the following petitions and addreſſes were preſented, viz. One by ſome of the barons, freeholders, and others ſubſcribing the ſame, within the ſhire of Mid-Lothian; another by ſome of the barons, freeholders, and others ſubſcribing the ſame, within the ſhire of Linlithgow, and three by ſome of the barons and

and freeholders of Perthſhire ſubſcribing the ſame, all againſt allowing of an incorporate Union with England, and all read and diſcourſed on; and thereafter the debate for delay, on account of conſulting of thoſe whom the members repreſent, and of knowing the ſentiments of the nation, and the procedure of the Parliament of England, was let fall, and agreed that the firſt article of Union ſhould be read, but that it ſhould be entire, next *ſederunt* of Parliament, to debate, whether or not the firſt article be concluded, by approving thereof, or not; or, if the Parliament may not, before concluding thereof, begin with and conclude any other of the articles; and accordingly the firſt article was read. Adjourned till to-morrow at ten o'clock.

OBSERVATION XIII.

The great queſtion came now to be determined,—Whether they ſhould go upon the treaty, or not?

Thoſe that oppoſed it, would not directly argue againſt reading the articles at all, and ſo at once reject the treaty; but they began to ſtart a new ſcruple, viz. Why ſhould it be put upon the Parliament of Scotland to determine firſt upon the treaty? why ſhould not England, where the treaty had been formed, and where their Parliament was now to ſit in a few days: Why ſhould not they firſt ſignify their conſent to the treaty, and then the Parliament of Scotland might conſider whether they could join with them upon the terms, Yea or No?

This occaſioned great diſputes; and many ſpeeches were made, endeavouring to ſhew the reaſonableneſs of having this matter firſt determined in England.

It was among other things offered as a ſufficient argument, that, as it was the Queen's prerogative to call Parliaments, to appoint and limit their ſittings, and to propoſe to them any matters as the ſubject of their meeting, which they ſhould conſult about, not excluſive of what they ſhould think fit to debate themſelves, Her Majeſty had determined which Parliament ſhould begin upon the articles, by appointing this Parliament for that end, and had particularly recommended this matter to them, and that therefore they ought to go about it.

That the priority was a diſpute of no conſequence at all, and that they had all the liberty in the world to paſs, or not paſs, approve or not approve, of the treaty now, as they ſhould have then; that, if there was any difference, the honour was done to Scotland, in putting the treaty firſt into their hands, as the principal perſons who were ſuppoſed to have objections to make, and that they might be made entirely eaſy, in every thing that was material, to their ſatisfaction.

Notwithſtanding all this, they renewed the debate, and brought it to a motion in the Parliament, as appears by the vote, in which they alſo added the former ſuggeſtion of conſulting their conſtituents; and ſome members alledged, they had expreſs directions from their principals, and the counties they repreſented, reſtraining, and poſitively obliging them, not to enter upon the treaty.

This brought things to a great height; and ſome members, as was ſaid, began to talk of proteſting, and leaving the Parliament, but they had more wiſdom than that came to; they indeed very earneſtly preſſed this motion, which was in ſhort to obtain a delay, and that made them fly from one argument to another.

Together with their arguments, and to ſecond their propoſal of conſulting principals, they brought in addreſſes from the ſeveral places mentioned above, and vehemently urged, that it appeared by them, that it was the ſenſe of the people that the whole nation was againſt it, and that they ought not to proceed without their aſſent.

Here it was noted, that the addreſs from Mid-Lothian was ſigned by not above twelve of the gentlemen, or thereabout, though there were above two hundred gentlemen in that county; and that therefore it ſeemed the argument of its being the ſenſe of the nation, muſt be very ill grounded.

At length they dropped the debate, and obtained the previous queſtion, viz. "That the Parliament ſhould immediately proceed to reading the ar-
"ticles."

But then a new project was ſet on foot; and it was an odd thing to ſee, that after a long debate whether the articles ſhould be read at all or not, it occaſioned another queſtion, and no ſmall debate upon it, which end of them they ſhould begin at.

When they had gotten over the queſtion as before, for reading, they fell out which article they ſhould read firſt; the party which had at firſt oppoſed reading them all, now ſtruggled to begin in the middle of the treaty; the reaſon was, as they alledged, they were for examining the particulars before they voted the general. The firſt article contained, "That from and after the firſt day of May, the two kingdoms ſhould be united," &c. This they would have delayed; and then followed the conditions which they would have be agreed firſt of all.

Others alledged, that it would be needleſs to enter into the particulars till it was agreed, whether they ſhould be united or not; and therefore it was neceſſary to examine the firſt article in its order, not only becauſe it was the firſt, but becauſe it was moſt rational to determine, whether there ſhould be an

Union

Union or not, before they deſcended to the particulars; becauſe, if all the articles were agreed to, yet if it ſhould be ſo precarious as to ſtate the queſtion afterwards, whether there ſhould be an Union or not, it might at once render all their labour fruitleſs.

Upon this debate, they reſolved, it was firſt neceſſary to get over the main article, whether there ſhould be an Union or not, before they entered into the merits of the particulars, or examined the conditions; and they only read the article, to finiſh the debate, and prevent any more difficulty.

MINUTE XIV.

Saturday, November 2, 1706.

The firſt article of Union was again read, and thereupon a motion was offered in thir terms: "That it be agreed to, in the firſt place, to proceed to "take the firſt article of the Union into conſideration, with this proviſion, that "if the other articles of Union be not adjuſted by the Parliament, then the "agreeing to, and approving of the firſt, ſhall be of no effect; and that im- "mediately after the ſaid firſt article, the Parliament will proceed to an act "'For ſecurity of the doctrine, diſcipline, worſhip, and government of the "'church, as now by law eſtabliſhed within this kingdom." And after ſome debate thereon, there was a ſtate of a vote offered, "Approve of the motion, "Yea, or No."

Whereupon, there was a reſolve offered in thir terms, "That before this "Houſe proceed to vote any of the articles of the Treaty, they will hear what "ſecurity the Commiſſion of the Church is to offer for the church govern- "ment, and that before any incorporating Union be voted;" and after ſome farther debate upon the ſaid motion and reſolve, a ſecond ſtate of a vote was offered, "That the church government be taken into conſideration before the "articles of treaty, Yea or No."

And after ſome debate, which of the two ſhould be the ſtate of the vote, it was put to the vote, "Whether the firſt or ſecond ſhould be the ſtate of the "vote," and it carried "the firſt;" thereafter, it was put to the vote, "Ap- "prove of the motion, or not," and it carried, "approve."

Whereupon the firſt article of Union was again read, and after ſome reaſoning thereon, it being objected, That an incorporating Union of the two kingdoms was contrair to and inconſiſtent with the Claim of Right; the Claim of Right, and the third act of the firſt Parliament of Her Majeſty Queen Anne, entitled, "Act for approving the turning the meeting of the Eſtates into a Parliament," and the letter of the meeting of the Eſtates to King William, the 24th of April, one thouſand ſix hundred eighty-nine, were all read.

And

And an addreſs by the barons, freeholders, heretors, and other gentlemen in the ſhire of Forfar, ſubſcribers of the ſame, againſt allowing of an incorporating Union with England, being given in, was alſo read.

And after long reaſoning and debate on the ſaid firſt article of Union, and objection, it was of conſent agreed, that the ſame ſhould be delayed till the next *ſederunt* of Parliament.

Adjourned till Monday next at ten o'clock.

OBSERVATION XIV.

The firſt article was now read, and all the oppoſition hitherto made, had been over. But two plauſible things remained; one was, to debate whether it ſhould be ſo ſettled, that if all the articles were not concluded, none of them which were conſidered, ſhould be of any force: this was ſo plauſible, nobody could withſtand it.

Then they objected in the name of the church, on the occaſion brought before them formerly, viz. The act of ſecurity. Unhappy was the condition at this time of the church of Scotland, if what ſeemed to appear, had been her real caſe, viz. To have her greateſt enemies be her beſt ſolicitors; as if ſhe had been ſo deſperate, that even thoſe that formerly aſſiſted to pull her down, were the only ſeeming advocates for her preſent eſtabliſhment.

Or elſe ſurely her caſe was very happy, on the other hand, that her eſtabliſhment was ſo viſibly neceſſary at this time, that even her apparent enemies were careful to ſupport her.

I ſhall enter no farther into the myſtery of it here. The Parliament had voted to conſider the addreſs of the Commiſſion before any thing was concluded; and whether that word 'concluded,' was to ſignify before they voted any article, or before the whole Union was concluded, was now immaterial; and though it was expreſſly ſaid in the vote of October 17, that it ſhould be before the Union was concluded, yet it was moved now, and the Parliament was ſo willing to do every thing for the ſatisfaction of the nation, that they reſolved to go upon it immediately after the paſſing the firſt article.

The party that ſtill oppoſed, were for going on the affair of the church before any of the articles were concluded on, alledging, that if the ſecurity of the church could not be agreed on, the Union could not be entered upon; but it was returned to that, that juſt on the contrary, it was neceſſary firſt to vote the general, whether there ſhould be an Union or not in the terms of the treaty, which general was included in the firſt article; and it was eaſy to be ſeen, that if that article was voted againſt, the Union was rejected; and if the Union was rejected, there was then no need for diſcourſing on the act of ſecurity for the church.

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This was too ſtrong a way of reaſoning to be reſiſted, and therefore when it came to the queſtion, it paſſed, as per the minute.

" That it be agreed to, in the firſt place, to proceed to take the firſt article " of Union into conſideration, with this proviſion, that if the other articles " of Union be not adjuſted by the Parliament, then the agreeing to, and " approving of the firſt, ſhall be of no effect; and that immediately after " the ſaid firſt article, the Parliament will proceed to an act for ſecurity of " the doctrine, diſcipline, worſhip, and government of the church, as now " by law eſtabliſhed within this kingdom."

And now the firſt article came upon the ſtage, and the firſt bruſh it met with was, that it was againſt the claim of right, as per the minute.

This was a ſurpriſing blow indeed, and made the Houſe immediately call for the claim of right: but that which was remarkable upon reading the claim of right was, it became neceſſary to read the letter of the Convention at that time ſent to King William, in which the Eſtates, then met, humbly deſired His Majeſty to ſet on foot an Union in the very ſenſe and meaning of this incorporation of the kingdoms, as the only happineſs the kingdom deſired.

" We are moſt ſenſible of your Majeſty's kindneſs, and fatherly care to " both your kingdoms, in promoving their union, which we hope hath been " reſerved to be accompliſhed by you; that as both kingdoms are united in " one head and ſovereign, ſo they may become one body politic, one nation, " to be repreſented in one Parliament. And to teſtify our readineſs to com- " ply with your Majeſty in that matter, we have nominated Commiſſioners " to treat the terms of an entire and perpetual Union betwixt the two king- " doms, with reſervation to us of our church government, as it ſhall be " eſtabliſhed at the time of the Union. Theſe Commiſſioners do wait your " Majeſty's approbation and call, that they may meet and treat with the " Commiſſioners to be appointed for England, at what time and place your " Majeſty ſhall appoint. And if any difficulty ſhall ariſe in the treaty, we " do, upon our part, refer the determination thereof to your Majeſty. And " we do aſſure ourſelves, from your Majeſty's prudence and goodneſs, of a " happy concluſion to that important affair, ſo as the ſame may be agreed to, " and ratified by your Majeſty in your firſt Parliament."

This indeed occaſioned a long debate, and much warmth on both ſides, which held the Houſe very late; and after reading all the papers, the incon- ſiſtency of the Union with the claim of right was thoroughly examined, where it could not but be very remarkable to obſerve ſome gentlemen giving a ſanction to the claim of right, who never before acknowledged it, owning it now as a ſacred foundation, in order to oppoſe it to the ſcheme of Union

now drawn; which being of more fatal conſequence to their real deſign, as well as party, they were brought to the neceſſity of cloſing with the firſt to confront the laſt; ſo playing one againſt another, recognizing the Revolution as the leſſer evil, to repulſe the Union, which they ſaw plainly aimed at the foundation, ſtruck at the root, and muſt for ever forecloſe jacobitiſm and prelacy, the two columns which ſupported their cauſe. The reaſonings here in the Houſe began with much calmneſs; immediately after reading the article, Mr. Seton, of Pitmedden, took the opportunity to ſay, That having had the honour to be one of the Commiſſioners for the treaty, he thought it his duty to give ſome reaſons, which moved him to approve that article at London; that he was perſuaded, there were ſeveral members ſo prejudiced againſt all the articles, that he could not hope from them a favourable audience. And that what he had to ſay to the preſent ſubject of debate, had been thought upon when he ſigned the treaty; therefore, he would preſume to make uſe of his papers, hoping, though his reaſons could not convince any member, yet they might ſerve to vindicate his conduct to poſterity. Then he proceeded, and the 2d of November, 1706, made the following ſpeech:

"My Lord Chancellor,

"THIS honourable Houſe has heard the ſeveral articles of the treaty of "Union twice read, has ſpent a conſiderable time in diſcourſing to each of "them, and, after much debate, is come to examine and determine upon the "firſt. Notwithſtanding all the arguments offered againſt it, I cannot find the "leaſt motive for altering the opinion I had at ſigning this article, having had "the honour to be one of the Commiſſioners appointed by Her Majeſty for "that end; but that I may give all ſatisfaction to every member, I ſhall humbly "offer, in a plain manner, my thoughts in relation to it.

"My Lord, this article is the foundation of the whole treaty, and the ap-"proving or rejecting of it muſt determine Union or no Union betwixt both "kingdoms.

"How far the approving this article conduces to our happineſs, appears "evidently, by conſidering the three different ways propoſed for retrieving the "languiſhing condition of this nation; which are, That we continue under the "ſame ſovereign with England, with limitations on his prerogative as King of "Scotland; that the two kingdoms be incorporated into one, or that they be "entirely ſeparated.

"That the Union of Crowns, with limitations on the ſucceſſor, is not ſuf-"ficient to rectify the bad ſtate of this nation, appears from theſe poſitions "founded on reaſon and experience.

"Two

" Two kingdoms ſubject to one Sovereign, having different intereſts, the " nearer theſe are one to another, the greater jealouſy and emulation will be " betwixt them.

" Every Monarch, having two or more kingdoms, will be obliged to pre- " fer the counſel and intereſt of the ſtronger to that of the weaker: and the " greater diſparity of power and riches there is betwixt theſe kingdoms, the " greater influence the more powerful nation will have on the Sovereign. Not- " withſtanding theſe poſitions, I ſhall ſuppoſe the Parliament of Scotland is " veſted with the power of making peace and war, of rewarding and puniſh- " ing perſons of all ranks, of levying troops, and of the negative itſelf.

" I could ſhow the inconveniencies that muſt attend ſuch a ſtate of govern- " ment, in diſpoſal of places, and managing public affairs. I could likewiſe " ſhow the improbability of attaining ſuch conditions, or keping them if " attained. But laying aſide ſuch conſiderations, my humble opinion is, " that we cannot reap any benefit from theſe conditions of Government, with- " out the aſſiſtance of England; and the people thereof will never be convinced " to promote the intereſt of Scotland, till both kingdoms are incorporated into " one: ſo that I conceive ſuch a ſtate of limitations to be no better for Scot- " land, than if it were entirely ſeparated from England; in which ſtate there " is little appearance of procuring any remedy to our preſent circumſtan- " ces, which appears from theſe uncontroverted poſitions:

" The people and government of Scotland muſt be richer or poorer, as " they have plenty or ſcarcity of money, the common meaſure of trade.

" No money or things of value can be purchaſed in the courſe of commerce, " but where there is a force to protect it.

" This nation is behind all other nations of Europe, for many years, with " reſpect to the effects of an extended trade.

" This nation being poor, and without force to protect its commerce, can- " not reap great advantages by it, till it partake of the trade and protection " of ſome powerful neighbour nation, that can communicate both theſe.

" To illuſtrate this laſt poſition, I ſhall give a ſhort view of the ſtate of " commerce we muſt needs be in, with reſpect to our neighbour nations, ſup- " poſing an entire ſeparation from England.

" The ordinary mean whereby we can flouriſh in wealth, is, that balance " which ariſes from the exchange of our natural or artificial product with other " places: but we have no valuable branch of export, which does not interfere " with the like commodity, in ſome more powerful neighbour nation, whoſe " intereſt it is to ſuppreſs or diſcourage our commodity, for raiſing the value " of its own; ſo that there is no demonſtrable ſecurity for the vent and en- " couragement of any branch of our export.

" Can it be expected, that Holland will ſuffer us to improve our fiſhery, " which is to them a nurſery for ſeamen, a livelihood to many families, and " an immenſe treaſure to the public.

" If we traffic with England, our linen cloth, cattle, and coals will be diſ- " couraged, at leaſt after the ſame manner that we diſcourage export from " thence. If we traffic with Muſcovy, Sweden, Denmark, Poland, Germany, " France, Spain, Portugal, and Italy, the ſale of our commodities will be of " ſmall value in thoſe places; ſeeing the Dutch or Engliſh, by their increaſe of " trade, are capable to ſerve them with moſt of the like goods cheaper and " better than we.

" Let us look to any other part of the world for vent to our product, and " we will find other nations have prevented us.

" If we attempt the Eaſt-India trade, that is already enhanced by the Dutch, " Engliſh, French, Spaniards, or Portugueſe, from whom we muſt expect " oppoſition, they themſelves oppoſing one another daily; and we of no force " to debate the ſame with the moſt inconſiderable of them.

" The trade of Africa is, for the moſt part, of ſmall value; and every pro- " vince of America, is claimed as property, by ſome powerful European nation.

" If it be ſaid, that Scotland may make alliance with one of its neighbour " nations for protection; that alliance muſt be with Holland, England or France. " Other countries being ſo remote or poor, that their friendſhips can be of little " uſe to us.

" With Holland we can have no advantageous alliance, becauſe its chief " branch of trade is the ſame with ours; with the Engliſh we can expect no " profitable friendſhip, for they being our near neighbours, will be jealous of " our increaſe in power; and from France few advantages can be reaped, till " the old offenſive and defenſive league be revived betwixt France and Scot- " land, which would give umbrage to the Engliſh, and occaſion a war betwixt " them and us. And allowing the Scots, in ſuch a juncture, with the aſſiſ- " tance of France, to conquer England; Scotland, by that conqueſt, could not " hope to better its preſent ſtate; for it is more than probable, the conqueror " would make his reſidence in England, as formerly the northern people uſed " to do in their ſouthern expeditions.

" From theſe conſiderations, I conceive, that this nation, by an entire ſepa- " ration from England, cannot extend its trade, ſo as to raiſe its power in " proportion to other trafficking nations in Europe; but that hereby we may " be in danger of returning to that Gothic conſtitution of government, wherein " our forefathers were, which was frequently attended with feuds, murders, " depredations and rebellions.

" My Lord, I am ſorry, that, in place of things, we amuſe ourſelves with words; for my part, I comprehend no durable union betwixt Scotland and

" England, but that expreſſed in this article by one kingdom, that is to ſay, " one people, one civil government, and one intereſt.

" It is true, the words, Fœderal Union, are become very faſhionable, and " may be handſomely fitted to delude unthinking people; but if any member " of this Houſe will give himſelf the trouble to examine what conditions or " articles are underſtood by theſe words, and reduce them into any kind of " fœderal compacts, whereby diſtinct nations have been united, I will pre- " ſume to ſay, theſe will be found impracticable, or of very little uſe to us.

" But to put that matter in a clear light, theſe queries ought to be duly " examined, whether a fœderal union be practicable betwixt two nations ac- " cuſtomed to a monarchical government? Whether there can be any ſure " guaranty projected for the obſervance of the articles of a fœderal compact, " ſtipulated betwixt two nations, whereof the one is much ſuperior to the " other in riches, numbers of people, and an extended commerce? Whether " the advantages of a fœderal union do balance its diſadvantages? Whether " the Engliſh will accept a fœderal union, ſuppoſing it to be for the true in- " tereſt of both nations? Whether any fœderal compact betwixt Scotland and " England, is ſufficient to ſecure the peace of this iſland, or fortify it againſt " the intrigues and invaſions of its foreign enemies? And, whether England, " in prudence, ought to communicate its trade and protection to this nation, " till both kingdoms are incorporated into one?

" To clear this laſt query, I ſhall offer a remark from hiſtory.

" Of two independent and diſtinct kingdoms, united by a fœderal compact, " under one ſovereign, the weaker, to preſerve its intereſt, has ſometimes ſepa- " rated from the ſtronger, unleſs prevented by open force, or ſecret influence " on its government.

" Spain and Portugal were ſubject to the ſame ſovereign, Philip II. and, " notwithſtanding the Portugueſe got moſt advantageous conditions from Spain, " they no ſooner found a favourable opportunity in the reign of Philip IV. " than they revolted from their allegiance, and elected the Duke of Braganza " for their king.

" Sweden and Denmark were united by a fœderal compact under one mo- " narch; but the Swedes judging a ſeparation more for their intereſt, broke off, " and choſe Guſtavus I. for their king.

" My Lord, I ſhould now conſider an incorporating union, as it is expreſſed " in this article by one kingdom; but that I may not take up the time of the " Houſe, I ſhall only give one hiſtorical remark with relation to it.

" Two or more diſtinct kingdoms or ſtates, by incorporating into one king- " dom, have continued under the ſame ſovereign, enjoying equally the pro- " tection of his government, and every part of the body politic, though ne-

" ver ſo far removed from the ſeat of government, has flouriſhed in wealth, in " proportion to the value of its natural product, or the induſtry of its inhabi- " tants. To prove this remark, there are many examples.

" Spain was formerly divided into ſeveral kingdoms, ten whereof are incorporated into the one kingdom of Spain.

" France was formerly divided into twelve ſtates, which are incorporated into the one kingdom of France.

" England was formerly divided into ſeven kingdoms, which are incorporated " into the one kingdom of England; Scotland itſelf was formerly divided into two " kingdoms, which at preſent are incorporated into the one kingdom of Scotland.

" I could give ſome account of the particular advantages we will obtain by " an incorporating union with England; but there will be occaſions to diſcourſe " of theſe, as the other articles fall under the conſideration of this Parliament. " In general, I may aſſert, that by this union, we will have acceſs to all the " advantages in commerce the Engliſh enjoy: we will be capable, by a good " government, to improve our national product, for the benefit of the whole " iſland; and we will have our liberty, property, and religion, ſecured under " the protection of one Sovereign, and one Parliament of Great Britain.

" Now, my Lord, if limitations on the ſucceſſor can be of little or no uſe " to us; if an entire ſeparation from England brings no advantage to this na- " tion; and if all fœderal compacts, as we are ſtated, have inſuperable " difficulties, which in ſome meaſure I have cleared, there is but one of two " left to our choice, to wit, That both kingdoms be united into one, or that " we continue under the ſame ſovereign with England, as we have done theſe " hundred years paſt. This laſt I conceive to be a very ill ſtate; for by it " (if experience be convincing) we cannot expect any of the advantages of an " incorporating union; but on the contrair, our ſovereignty and independency " will be eclipſed; the number of our nobility will increaſe; our commons " will be oppreſſed; our Parliaments will be influenced by England; the exe- " cution of our laws will be neglected; our peace will be interrupted by fac- " tions for places and penſions; luxury, together with poverty (though ſtrange) " will invade us; numbers of Scots will withdraw themſelves to foreign coun- " tries; and all the other effects of bad government muſt neceſſarily attend us.

" Let us therefore, my Lord, after all theſe conſiderations, approve this " article; and when the whole treaty ſhall be duly examined and ratified, I am " hopeful, this Parliament will return their moſt dutiful acknowledgements " to Her Majeſty, for her royal endeavours in promoting a laſting union " betwixt both nations."

Next ſpoke the Lord Beilhaven, but without anſwering what had been ſaid by Mr. Seton. He made a long premeditated ſpeech, the nature of which will be beſt underſtood by reading it at length, which being ſo much talked of in the

the world, I have alſo inſerted here, though I ſhall not trouble the reader with many more ſpeeches in this whole hiſtory.

" My Lord Chancellor,

" When I conſider this affair of an Union betwixt the two nations, as it is expreſſed in the ſeveral articles thereof, and now the ſubject of our deliberation at this time, I find my mind crouded with variety of very melancholy thoughts; and I think it my duty to diſburden myſelf of ſome of them, by laying them before, and expoſing them to the ſerious conſideration of this honourable Houſe.

" I think I ſee a free and independent kingdom delivering up that which all the world hath been fighting for ſince the days of Nimrod; yea, that for which moſt of all the empires, kingdoms, ſtates, principalities, and dukedoms of Europe, are at this very time engaged in the moſt bloody and cruel wars that ever were, to wit, a power to manage their own affairs by themſelves, without the aſſiſtance and counſel of any other.

" I think I ſee a national church, founded upon a rock, ſecured by a Claim of Right, hedged and fenced about by the ſtricteſt and pointedeſt legal ſanction that ſovereignty could contrive, voluntarily deſcending into a plain, upon an equal level with Jews, Papiſts, Socinians, Arminians, Anabaptiſts, and other ſectaries, &c.

" I think I ſee the noble and honourable peerage of Scotland, whoſe valiant predeceſſors led armies againſt their enemies upon their own proper charges and expences, now diveſted of their followers and vaſſallages, and put upon ſuch an equal foot with their vaſſals, that I think I ſee a petty Engliſh exciſeman receive more homage and reſpect than what was paid formerly to their quondam Macallanmores.

" I think I ſee the preſent peers of Scotland, whoſe noble anceſtors conquered provinces, overrun countries, reduced and ſubjected towns and fortified places, exacted tribute though the greateſt part of England, now walking in the Court of Requeſts like ſo many Engliſh Attornies, laying aſide their walking ſwords when in company with the Engliſh Peers, leſt their ſelf-defence ſhould be found murder.

" I think I ſee the honourable eſtate of Barons, the bold aſſerters of the nation's rights and liberties in the worſt of times, now ſetting a watch upon their lips and a guard upon their tongues, leſt they be found guilty of *ſcandalum magnatum*.

" I think I ſee the royal ſtate of boroughs, walking their deſolate ſtreets, hanging down their heads under diſappointments; wormed out of all the branches of their old trade, uncertain what hand to turn to; neceſſitated to become prentices to their unkind neighbours; and yet, after all, finding their trade ſo fortified by companies, and ſecured by preſcriptions, that they deſpair of any ſucceſs therein.

" I think

" I think I ſee our learned Judges laying aſide their practiques and deci-
" ſions, ſtudying the common law of England, gravelled with *certioraries*, *niſi*
" *priuſes*, writs of error, verdicts indovar, *ejectione firmæ*, injunctions, demurs,
" &c. and frighted with appeals and avocations, becauſe of the new regulations
" and rectifications they may meet with.

" I think I ſee the valiant and gallant ſoldiery, either ſent to learn the plan-
" tation trade abroad, or at home petitioning for a ſmall ſubſiſtence as the re-
" ward of their honourable exploits, while their old corps are broken, the
" common ſoldiers left to beg, and the youngeſt Engliſh corps kept ſtanding.

" I think I ſee the honeſt, induſtrious tradeſman, loaded with new taxes
" and impoſitions, diſappointed of the equivalents, drinking water in place of
" ale, eating his ſaltleſs pottage; petitioning for encouragement to his ma-
" nufactories, and anſwered by counter petitions.

" In ſhort, I think I ſee the laborious plew-man, with his corn ſpoiling
" upon his hands for want of ſale, curſing the day of his birth, dreading the
" expence of his burial, and uncertain whether to marry or do worſe.

" I think I ſee the incurable difficulties of the landed men, fettered under
" the golden chain of equivalents, their pretty daughters petitioning for want
" of huſbands, and their ſons for want of employments.

" I think I ſee our mariners delivering up their ſhips to their Dutch
" partners; and what through preſſes and neceſſity, earning their bread as un-
" derlings in the Royal Engliſh navy.

" But above all, my Lord, I think I ſee our ancient mother, Caledonia, like
" Cæſar, ſitting in the midſt of our ſenate, rufully looking round about her,
" covering herſelf with her royal garment, attending the fatal blow, and
" breathing out her laſt with a *et tu quoque mi fili.*

" Are not theſe, my Lord, very afflicting thoughts? And yet they are but
" the leaſt part ſuggeſted to me by theſe diſhonourable articles; ſhould
" not the conſideration of theſe things vivify theſe dry bones of ours?
" Should not the memory of our noble predeceſſors valour and conſtancy,
" rouſe up our drooping ſpirits? Are our noble predeceſſors ſouls got ſo far
" into the Engliſh cabbage-ſtock and colliflowers, that we ſhould ſhew the
" leaſt inclination that way? Are our eyes ſo blinded, are our ears ſo deafned,
" are our hearts ſo hardened, are our tongues ſo faltered, are our hands ſo fetter-
" ed, that in this our day, I ſay, my Lord, that in this our day, that we ſhould
" not mind the things that concern the very being and well-being of our an-
" cient kingdom, before the day be hid from our eyes?

" No, my Lord, God forbid; man's extremity is God's opportunity: he is
" a preſent help in time of need; and a deliverer, and that right early. Some
" unforeſeen providence will fall out that may caſt the balance; ſome Joſeph

or

" or other will ſay, ' Why do ye ſtrive together, ſince you are brethren?'
" None can deſtroy Scotland, ſave Scotland's ſelf; hold your hands from the
" pen, you are ſecure. Some Judah or other will ſay, ' Let not our hands be up-
' on the lad, he is our brother.' There will be a Jehovah-Jireh, and ſome ram
" will be caught in the thicket, when the bloody knife is at our mother's throat:
" let us up then, my Lord, and let our noble patriots behave themſelves like
" men, and we know not how ſoon a bleſſing may come.

" My Lord, I wiſh from my heart that this my viſion prove not as true, as my
" reaſons for it are probable: I deſign not at this time to enter into the merits
" of any one particular article; I intend this diſcourſe as an introduction to
" what I may afterwards ſay upon the whole debate, as it falls in before this
" honourable Houſe; and therefore, in the farther proſecution of what I have
" to ſay, I ſhall inſiſt upon ſome few particulars, very neceſſary to be under-
" ſtood, before we enter into the detail of ſo important a matter.

" I ſhall therefore, in the firſt place, endeavour to encourage a free and full
" deliberation, without animoſities and heats; in the next place, I ſhall endea-
" vour to make an inquiry into the nature and ſource of the unnatural and dan-
" gerous diviſions that are now on foot within this iſle, with ſome motives,
" ſhewing, that it is our intereſt to lay them aſide at this time. Then I ſhall
" inquire into the reaſons which have induced the two nations to enter into a
" treaty of Union at this time, with ſome conſiderations and meditations, with
" relation to the behaviour of the Lords Commiſſioners of the two kingdoms,
" in the management of this great concern. And laſtly, I ſhall propoſe a
" method, by which we ſhall moſt diſtinctly, and without confuſion, go through
" the ſeveral articles of this treaty, without unneceſſary repetitions or loſs of
" time: and all this with all deference, and under the correction of this ho-
" nourable Houſe.

" My Lord Chancellor, the greateſt honour that was done unto a Roman,
" was to allow him the glory of a triumph; the greateſt and moſt diſhonour-
" able puniſhment was that of paricide: he that was guilty of paricide, was
" beaten with rods upon his naked body till the blood guſhed out of all the
" veins of his body; then he was ſowed up in a leathern ſack called a Culeus,
" with a cock, a viper, and an ape, and thrown headlong into the ſea.

" My Lord, patricide is a greater crime than paricide all the world over.

" In a triumph, my Lord, when the conqueror was riding in his triumphal
" chariot, crowned with laurels, adorned with trophies, and applauded with
" huzzas, there was a Monitor appointed to ſtand behind him, to warn not to
" be high-minded, nor puffed up with overweening thoughts of himſelf; and
" to his chariot were tied a whip and a bell, to mind him, that, for all his glory
" and grandeur, he was accountable to the people for his adminiſtration, and
" would be puniſhed as other men, if found guilty.

" The greateſt honour amongſt us, my Lord, is to repreſent the Sovereign's
" ſacred perſon in Parliament; and, in one particular, it appears to be greater
" than that of a triumph, becauſe the whole legiſlative power ſeems to be
" wholly intruſted with him: if he gives the royal aſſent to an act of the
" eſtates, it becomes a law obligatory upon the ſubject, though contrary or
" without any inſtructions from the Sovereign: if he refuſe the royal aſſent to
" a vote in Parliament, it cannot be a law, though he has the Sovereign's par-
" ticular and poſitive inſtructions for it.

" His Grace the Duke of Queenſberry, who now repreſents Her Majeſty in
" this ſeſſion of Parliament, hath had the honour of that great truſt, as often,
" if not more than any Scotſman ever had; he hath been the favourite of two
" ſucceſſive Sovereigns; and I cannot but commend his conſtancy and perſe-
" verance, that, notwithſtanding his former difficulties and unſucceſsful at-
" tempts, and maugre ſome other ſpecialities not yet determined, that his
" Grace has yet had the reſolution to undertake the moſt unpopular meaſures
" laſt. If his Grace ſucceed in this affair of an Union, and that it prove for the
" happineſs and welfare of the nation, then he juſtly merits to have a ſtatue of
" gold erected for himſelf; but if it ſhall tend to the entire deſtruction and
" abolition of our nation, and that we the nation's truſtees ſhall go into it, then
" I muſt ſay, that a whip and a bell, a cock, a viper, and an ape, are but too
" ſmall puniſhments for any ſuch bold unnatural undertaking and complaiſance.

" That I may path a way, my Lord, to a full, calm, and free reaſoning up-
" on this affair, which is of the laſt conſequence unto this nation, I ſhall mind
" this honourable Houſe, that we are the ſucceſſors of our noble predeceſſors
" who founded our monarchy, framed our laws, amended, altered, and cor-
" rected them from time to time, as the affairs and circumſtances of the nation
" did require, without the aſſiſtance or advice of any foreign power or potentate,
" and who, during the time of two thouſand years, have handed them down to
" us a free, independent nation, with the hazard of their lives and fortunes;
" ſhall not we then argue for that which our progenitors have purchaſed for
" us at ſo dear a rate, and with ſo much immortal honour and glory? God for-
" bid. Shall the hazard of a father unbind the ligaments of a dumb ſon's
" tongue? and ſhall we hold our peace when our Patria is in danger? I ſpeak
" this, my Lord, that I may encourage every individual member of this Houſe
" to ſpeak their mind freely. There are many wiſe and prudent men amongſt
" us, who think it not worth their while to open their mouths; there are
" others who can ſpeak very well, and to good purpoſe, who ſhelter themſelves
" under the ſhameful cloak of ſilence, from a fear of the frowns of great men
" and parties. I have obſerved, my Lord, by my experience, the greateſt
" number of ſpeakers in the moſt trivial affairs; and it will always prove ſo

" while,

" while we come not to the right underſtanding of our oath *de fideli*, whereby " we are bound not only to give our vote, but our faithful advice in Par- " liament, as we ſhould anſwer to God; and in our ancient laws, the repreſen- " tatives of the honourable barons and the royal boroughs are termed ſpokeſ- " men: it lies upon your Lordſhips therefore particularly to take notice of " ſuch, whoſe modeſty makes them baſhful to ſpeak: therefore I ſhall leave it " upon you, and conclude this point with a very memorable ſaying of an " honeſt private gentleman, to a great Queen, upon occaſion of a ſtate project, " contrived by an able ſtateſman, and the favourite to a great King, againſt a " peaceable, obedient people, becauſe of the diverſity of their laws and conſti- " tutions: ' If at this time thou hold thy peace, ſalvation ſhall come to the " ' people from another place, but thou and thy houſe ſhall periſh.' I leave " the application to each particular member of this Houſe.

" My Lord, I come now to conſider our diviſions. We are under the happy " reign (bleſſed be God) of the beſt of Queens, who has no evil deſign againſt " the meaneſt of her ſubjects, who loves all her people, and is equally beloved " by them again; and yet that, under the happy influence of our moſt excel- " lent Queen, there ſhould be ſuch diviſions and factions, more dangerous " and threatening to her dominions, than if we were under an arbitrary govern- " ment, is moſt ſtrange and unaccountable. Under an arbitrary Prince, all are " willing to ſerve, becauſe all are under a neceſſity to obey, whether they will or " not: he chooſes therefore whom he will, without reſpect to either parties or " factions: and if he think fit to take the advices of his Councils or Par- " liaments, every man ſpeaks his mind freely, and the Prince receives the faith- " ful advice of his people, without the mixture of ſelf-deſigns: if he prove a " good Prince, the Government is eaſy; if bad, either death or a revolution " brings a deliverance. Whereas here, my Lord, there appears no end of our " miſery, if not prevented in time; factions are now become independent, and " have got footing in councils, in parliaments, in treaties, in armies, in incor- " porations, in families, among kindred; yea man and wife are not free from " their political jars.

" It remains therefore, my Lord, that I inquire into the nature of theſe " things, and ſince the names give us not the right idea of the thing, I am " afraid I will have difficulty to make myſelf well underſtood.

" The names generally uſed to denote the factions are Whig and Tory—as " obſcure as that of the Guelfs and Gibelins: yea, my Lord, they have dif- " ferent ſignifications, as they are applied to factions in each kingdom; a Whig " in England is a heterogeneous creature; in Scotland, he is all of a piece: a " Tory in England is all of a piece, and a ſtateſman; in Scotland, he is quite " otherwiſe, an anti-courtier and anti-ſtateſman.

" A Whig in England appears to be ſomewhat like Nebuchadnezzar's image " of different metals, different claſſes, different principles, and different de- " ſigns; yet take them all together, they are like a piece of fine mixed drog- " gat of different threads, ſome finer, ſome coarſer, which after all make a " comely appearance, and an agreeable ſuit. A Tory is like a piece of loyal- " made Engliſh cloth, the true ſtaple of the nation, all of a thread: yet if we " look narrowly into it, we ſhall perceive diverſity of colours, which, according " to the various ſituations and poſitions, make various appearances; ſometimes " Tory is like the moon in its full, as appeared in the affair of the Bill of the " Occaſional Conformity; upon other occaſions it appears to be under cloud, " and as if it were eclipſed by a greater body, as it did in the deſign of the call- " ing over the illuſtrious Princeſs Sophia. However, by this we may ſee their " deſigns are to outſhoot Whig in his own bow.

" Whig in Scotland is a true-blue Preſbyterian, who, without conſidering " time or power, will venture their all for the kirk; but ſomething leſs for " the State. The greateſt difficulty is, how to deſcribe a Scots Tory: of old, " when I knew them firſt, Tory was an honeſt-hearted comradiſh fellow, who, " provided he were maintained and protected in his benefices, titles and digni- " ties by the State, he was the leſs anxious who had the government and ma- " nagement of the church: but now, what he is ſince Jure-Divinity came in " faſhion, and that Chriſtianity, and by conſequence, ſalvation comes to de- " pend upon epiſcopal ordination, I profeſs I know not what to make of him; " only this I muſt ſay for him, that he endeavours to do, by oppoſition, that, " which his brother in England endeavours, by a more prudent and leſs ſcru- " pulous method.

" Now, my Lord, from theſe diviſions there has got up a kind of ariſtocracy, " ſomething like the famous triumvirate at Rome; they are a kind of under- " takers and pragmatic ſtateſmen, who, finding their power and ſtrength great, " and anſwerable to their deſigns, will make bargains with our gracious So- " vereign, they will ſerve her faithfully, but upon their own terms: they muſt " have their own inſtruments, their own meaſures; this man muſt be turned " out, and that man put in, and then they'll make her the moſt glorious Queen " in Europe.

" Where will this end, my Lord? Is not Her Majeſty in danger by ſuch a " method? Is not the Monarchy in danger? Is not the nation's peace and " tranquillity in danger? Will a change of parties make the nation more " happy? No, my Lord, the ſeed is ſown that is like to afford us a perpetual " increaſe; it is not an annual herb, it takes deep root, it ſeeds and breeds; " and, if not timeouſly prevented by Her Majeſty's royal endeavours, will ſplit " the whole iſland in two.

" My

" My Lord, I think, conſidering our preſent circumſtances at this time, the " Almighty God has reſerved this great work for us: we may bruiſe this " Hydra of diviſion, and cruſh this Cockatrice's egg; our neighbours in Eng- " land are not yet fitted for any ſuch thing, they are not under the afflicting " hand of Providence as we are; their circumſtances are great and glorious, " their treaties are prudently managed both at home and abroad, their generals " brave and valorous, their armies ſucceſsful and victorious, their trophies and " laurels memorable and ſurpriſing; their enemies ſubdued and routed, their " ſtrong holds beſieged and taken, ſieges relieved, marſhals killed and taken pri- " ſoners, provinces and kingdoms are the reſults of their victories; the royal " navy is the terror of Europe, their trade and commerce extended through " the univerſe, encircling the whole habitable world, and rendering their own " capital city the Emporium for the whole inhabitants of the earth; and which " is yet more than all theſe things, the ſubjects freely beſtowing their treaſury " upon their Sovereign; and above all, theſe vaſt riches, the ſinews of war, and " without which all the glorious ſucceſs had proved abortive, theſe treaſures " are managed with ſuch faithfulneſs and nicety, that they anſwer ſeaſonably all " their demands, though at never ſo great a diſtance. Upon theſe conſidera- " tions, my Lord, how hard and difficult a thing will it prove to perſuade our " neighbours to a ſelf-denial bill.

" It is quite otherwiſe with us, my Lord; we are an obſcure, poor people, " though formerly of better account; removed to a remote corner of the world, " without name and without alliances, our poſts mean and precarious; ſo that " I profeſs I do not think any one poſt of the kingdom worth the bringing " after, ſave that of being commiſſioner to a long ſeſſion of a factious Scots Par- " liament, with an antedated commiſſion, and that yet renders the reſt of the " Miniſters more miſerable: what hinders us then, my Lord, to lay aſide our " diviſions to unite cordially and heartily together in our preſent circumſtances, " when our all is at the ſtake. Hannibal, my Lord, is at our gates, Hannibal is " come within our gates, Hannibal is come the length of this table, he is at " the foot of this throne, he will demoliſh this throne; if we take not notice, " he'll ſeize upon theſe Regalia, he'll take them as our *ſpolia opima*, and whip " us out of this Houſe, never to return again.

" For the love of God then, my Lord, for the ſafety and welfare of our an- " cient kingdom, whoſe ſad circumſtances I hope we ſhall yet convert unto " proſperity and happineſs! We want no means, if we unite; God bleſſeth " the peace-makers; we want neither men nor ſufficiency of all manner of " things neceſſary to make a nation happy: all depends upon management, *Concordiæ res parvæ creſcunt.* I fear not theſe articles, though they were ten " times worſe than they are, if we once cordially forgive one another, and that

" acording to our proverb, *bygones be bygones and fair play to come.* For my " part, in the ſight of God, and in the preſence of this honourable Houſe, I " heartily forgive every man, and beg that they may do the ſame to me; and I " do moſt humbly propoſe, that his Grace my Lord Commiſſioner may ap- " point an Agape, may order a love-feaſt for this honourable Houſe, that we " may lay aſide all ſelf-deſigns, and, after our faſts and humiliation, may have " a day of rejoicing and thankfulneſs; may eat our meat with gladneſs, and our " bread with a merry heart; then ſhall we 'ſit each man under his own fig-tree, " and the voice of the turtle ſhall be heard in our land,'—a bird famous for con- " ſtancy and fidelity.

" My Lord, I ſhall make a pauſe here, and ſtop going on farther in my diſ- " courſe, till I ſee farther, if his Grace my Lord Commiſſioner receive any " humble propoſals for removing miſunderſtandings among us, and putting an " end to our fatal diviſions; upon honour I have no other deſign, and I am con- " tent to beg the favour upon my bended knees."

No anſwer.

" My Lord Chancellor, I am ſorry that I muſt purſue the thread of my ſad " and melancholy ſtory: what remains, I am afraid, will prove as afflicting as " what I have ſaid; I ſhall therefore conſider the motives which have en- " gaged the two nations to enter upon a treaty of Union at this time: in ge- " neral, my Lord, I think both of them had in their view to better themſelves " by the treaty; but before I enter upon the particular motives of each nation, " I muſt inform this honourable Houſe, that ſince I can remember, the two na- " tions have altered their ſentiments upon that affair, even almoſt to downright " contradiction; they have changed headbands, as we ſay; for England, till of " late, never thought it worth their pains of treating with us; the good bar- " gain they made at the beginning, they reſolve to keep, and that which we " call an incorporating Union was not ſo much as in their thoughts. The firſt " notice they ſeemed to take of us, was in our affair of Caledonia; when they " had moſt effectually broke off that deſign, in a manner very well known to the " world, and unneceſſary to be repeated here, they kept themſelves quiet during " the time of our complaints upon that head: in which time our Sovereign, to " ſatisfy the nation and allay their heats, did condeſcend to give us ſome good " laws, and, amongſt others, that of perſonal liberties and of peace and war; " but England having declared their ſucceſſion and extended their intail with- " out ever taking notice of us, our gracious Sovereign Queen Anne was graci- " ouſly pleaſed to give the royal aſſent to our Act of Security, and to give us a " hedge to all our ſacred and civil intereſts, by declaring it high treaſon to en- " deavour the alteration of them, as they were then eſtabliſhed. Thereupon did " follow the threatening and minority laws againſt us by the Parliament of Eng-

" land,

" land, and the unjuſt and unequal character of what Her Majeſty had ſo gra-
" ciouſly condeſcended to in our favour: Now, my Lord, whether the deſire
" they had to have us engaged in the ſame ſucceſſion with them; or whether
" that they found us like a free and independent people, breathing after more
" liberty than what formerly was looked after; or whether they were afraid of
" our Act of Security, in caſe of Her Majeſty's deceaſe: which of all theſe mo-
" tives has induced them to a treaty, I leave it to themſelves; this I muſt ſay
" only, they have made a good bargain this time alſo.

" For the particular motives that induced us, I think, they are obvious to be
" known; we found by ſad experience, that every man hath advanced in power
" and riches, as they have done in trade, and at the ſame time conſidering that
" no where through the world ſlaves are found to be rich, though they ſhould
" be adorned with chains of gold, we thereupon changed our notion of an in-
" corporating Union to that of a fœderal one; and being reſolved to take this
" opportunity to make demands upon them, before we enter into the ſuc-
" ceſſion, we were content to impower Her Majeſty to authoriſe and appoint
" Commiſſioners to treat with the Commiſſioners of England, with as ample
" powers as the Lords Commiſſioners from England had from their conſtituents,
" that we might not appear to have leſs confidence in Her Majeſty, nor more
" narrow-hearted in our act than our neighbours of England; and thereupon
" laſt Parliament, after Her Majeſty's gracious letter was read, deſiring us to
" declare the ſucceſſion in the firſt place, and afterwards to appoint Commiſ-
" ſioners to treat, we found it neceſſary to renew our former Reſolve, which
" I ſhall read to this honourable Houſe:

' *Reſolve preſented by the Duke of* Hamilton *laſt ſeſſion of Parliament:*

' That this Parliament will not proceed to the nomination of a ſucceſſor, till
' we have had a previous treaty with England, in relation to our commerce
' and other concerns with that nation. And farther, it is reſolved, That this
' Parliament will proceed to make ſuch limitations and conditions of Govern-
' ment, for the rectification of our Conſtitution, as may ſecure the liberty, re-
' ligion, and independency of this kingdom, before they proceed to the ſaid
' nomination.'

" Now, my Lord, the laſt ſeſſion of Parliament having, before they would
" enter upon any treaty with England, by a vote of the Houſe, paſſed both
" an act for limitations, and an act for rectification of our Conſtitution, what
" mortal man has reaſon to doubt the deſign of this treaty was only fœderal?

" My Lord Chancellor, it remains now that we conſider the behaviour of
" the Lords Commiſſioners at the opening of this treaty. And before I enter
" upon that, allow me to make this meditation, that if our poſterity, after we

" are

" are all dead and gone, ſhall find themſelves under an ill-made bargain, and " ſhall have a recourſe unto our records, and ſee who have been the managers " of that treaty, by which they have ſuffered ſo much; when they read the " names, they will certainly conclude and ſay, Ah! our nation has been re- " duced to the laſt extremity, at the time of this treaty; all our great chief- " tains, all our great peers and conſiderable men, who uſed formerly to defend " the rights and liberties of the nation, have been all killed and dead in the " bed of honour, before ever the nation was neceſſitated to condeſcend to ſuch " mean and contemptible terms: where are the names of the chief men of the " noble families of Stewarts, Hamiltons, Grahams, Campbells, Gordons, " Johnſtons, Homes, Murrays, Kers, &c. Where are the two great officers " of the Crown, the Conſtable and the Mariſchal of Scotland? They have " certainly all been extinguiſhed, and now we are ſlaves for ever.

" Whereas the Engliſh records will make their poſterity reverence the me- " mory of the honourable names who have brought under their fierce, warlike, " and troubleſome neighbours, who had ſtruggled ſo long for independency, " ſhed the beſt blood of their nation, and reduced a conſiderable part of their " country to become waſte and deſolate.

" I am informed, my Lord, that our Commiſſioners did indeed frankly tell the " Lords Commiſſioners for England, that the inclination of the people of Scot- " land were much altered of late, in relation to an incorporating Union, and " that therefore ſince the entail was to end with Her Majeſty's life, whom " God long preſerve, it was proper to begin the treaty upon the foot of " the treaty the 1604th year of God, the time when we came firſt under one " Sovereign; but this the Engliſh Commiſſioners would not agree to, and our " Commiſſioners, that they might not ſeem obſtinate, were willing to treat and " conclude in the terms laid before this honourable Houſe, and ſubjected to " their determination.

" If the Lords Commiſſioners for England had been as civil and complai- " ſant, they ſhould certainly have finiſhed a fœderal treaty likewiſe, that both " nations might have the choice, which of them to have gone into, as they " thought fit; but they would hear of nothing but of an entire and complete " Union, a name which comprehends an Union, either by incorporation, ſur- " render, or conqueſt; whereas our Commiſſioners thought of nothing but a " fair, equal, incorporating Union; whether this be ſo or not, I leave it to " every man's judgement; but as for myſelf, I muſt beg liberty to think it " no ſuch thing. For I take an incorporating Union to be, where there is a " change both in the material and formal points of Government, as if two " pices of metal were melted down into one maſs, it can neither be ſaid to " retain its former form or ſubſtance, as it did before the mixture. But now

" when I conſider this treaty, as it hath been explained and ſpoke to before us
" theſe three weeks paſt, I ſee the Engliſh Conſtitution remaining firm, the
" ſame two Houſes of Parliament, the ſame taxes, the ſame cuſtoms, the ſame
" exciſes, the ſame trade in companies, the ſame municipal laws and Courts of
" Judicature, and all ours either ſubject to regulations, or annihilations: only
" we have the honour to pay their old debts, and to have ſome few perſons
" preſent for witneſſes to the validity of the deed, when they are pleaſed to
" contract more.

" Good God! What, is this an entire ſurrender?

" My Lord, I find my heart ſo full of grief and indignation, that I muſt
" beg pardon, not to finiſh the laſt part of my diſcourſe, that I may drop a
" tear as the prelude to ſo ſad a ſtory."

After having ſat down, and ſome diſcourſes by other members intervening, he continued his diſcourſe thus:

" My Lord Chancellor, what I am now to ſay, relates to the method of pro-
" ceeding in this weighty affair: I hear it propoſed by a noble member of
" the other ſide, that we ſhould proceed in the ſame order as the Lords Com-
" miſſioners treaters did. In my humble opinion, my Lord, it is neither the
" natural method, nor can it be done without great confuſion and repetition.
" To ſay, you'll agree to the Union of the two kingdoms, before you agree in
" the terms upon which they are to be united, ſeems like driving the plough
" before the oxen: The articles which narrate the conditions, ſeem to be the
" premiſes upon which the concluſion is inferred; and, according as they
" are found good or bad, the ſucceſs will follow. When a man is married to
" a fortune in England, as they call it, I ſuppoſe he is ſatisfied with the thing
" before he determines himſelf to marry; and the propoſal I have heard of
" agreeing to the firſt article, with a proviſo, that, if the reſt of the articles
" ſhall be found ſatisfactory, and not otherwiſe, is of a piece with the reſt,
" and looks like beating the air, and no ways conſiſtent with fair and ſquare
" dealings. Beſides, my Lord, if we were to go upon the firſt article, are not
" all the reſt of the articles, beſides many others not contained in the articles,
" valid arguments, either pro or con, againſt concluding, or not concluding,
" the firſt article? and no vote in this Houſe can hinder a man from making
" uſe of what arguments he thinks fit. Moreover, the ſearching the records,
" and the reviſing the ſtatute books, comparing the books of rates, cuſtoms,
" exciſe, taxes, of both nations, with one another, muſt all be previouſly
" conſidered, ere we determine ourſelves in one ſingle article; add to this, that
" the prohibitory clauſe, with relation to the trade of both nations, muſt be
" adjuſted, leſt, like Æſop's dog, we loſe the old, in graſping at the new;
" the ſtate of the Engliſh companies muſt alſo be expoſed, how far we ſhall
" have liberty into them, and what advantage we may propoſe to ourſelves,

" by

" by trading to theſe places where they are ſecured; and above all, my Lord, " the ſecurity of our national church, and of all that's dear unto us, muſt be " previouſly eſtabliſhed to us, if practicable, before we conclude the firſt " article. Therefore, my Lord, though my particular opinion be, though " we had a *cart blanch* from England; yet the delivering up of our ſovereignty " gives back with one hand what we receive from the other, and that there " can be no ſecurity, without the guarantee of a diſtinct independency betwixt " the parties treating: yet, my Lord, for farther ſatisfaction to this honourable " Houſe, that every member may fully ſatisfy himſelf, I humbly propoſe, " 'That, paſſing by the firſt three articles, which appear to be much of a " 'piece, we begin at the fourth article of the treaty,' and if I be ſeconded " in this, I deſire it may be put to the queſtion."

I ſhall make no remarks upon this laſt and famous ſpeech; the noble perſon that ſpoke it, however he happened to miſtake in ſome things, was a perſon of extraordinary parts and capacity; and as he was very warm againſt the Union, it made that oppoſition the more conſiderable.

This ſpeech, the reader may ſee, was pointed directly againſt the Union; and in the firſt part of it argues againſt the whole, in the laſt againſt the parts; but concludes to move againſt the immediate proceedings.

The firſt ſpeech was from a perſon no leſs capable in the matter of the treaty, and that had been a Commiſſioner in the treaty at London; the ſpeeches are directly oppoſite, and are left thus upon record to argue againſt one another.

The time had been taken up with their length, and the Houſe, as well as the nation, was, at this time, in an unuſual ferment, ſo not many replies were made. Mr. Seton, who made the firſt ſpeech, ſtood up to anſwer the Lord Beilhaven; but, as he had already ſpoken, the orders of the Houſe, viz. " That the ſame member could not ſpeak twice in the ſame cauſe," were urged againſt his ſpeaking, and the Earl of Marchmont ſtanding up to ſpeak at the ſame time, the Lord Chancellor gave place to him; who indeed made a very ſhort return to ſo long a ſpeech, and which anſwer occaſioned ſome laughter in the Houſe: The Earl of Marchmont's ſpeech was to this purpoſe, viz. He had heard a long ſpeech, and a very terrible one, but he was of opinion, it required a ſhort anſwer, which he gave in theſe words, " Behold he dreamed, but lo! when he awoke, he found it was a dream." This anſwer, ſome ſaid, was as ſatisfactory to the members, who underſtood the deſign of that ſpeech, as if it had been anſwered viſion by viſion.

After theſe two ſpeeches, ſeveral members ſpoke pro and con; but the debate, in cloſe of the day, turned ſo warm, that, at the deſire of the Houſe, it was adjourned to the next *ſederunt*.

MINUTE

MINUTE XV.

Monday, November 4, 1706.

Prayers ſaid.

Rolls called.

Then the following addreſſes were preſented, viz. Addreſs of barons, freeholders and others, within the ſhire of Stirling, ſubſcribers of the ſame; addreſs of barons, freeholders and others, within the ſhire of Dumbartoun, ſubſcribers of the ſame; addreſs of the magiſtrates, town-council, deacons of crafts and burgeſſes within the burgh of Linlithgow, ſubſcribers of the ſame; addreſs of heretors and others, inhabitants of the town and paroch of Dunkeld, alias Caledonia, ſubſcribers of the ſame; and an addreſs of the town and paroch of Dyſert, ſubſcribers of the ſame, all againſt an incorporating Union with England, and were read.

Thereafter the firſt article of Union was again read, as alſo the motion mentioned in the laſt minute relating thereto, viz. "That it be agreed to, in the "firſt place, to proceed to take the firſt article of the Union into conſideration, "with this proviſion, that if the other articles of Union be not adjuſted by the "Parliament, then the agreeing to and approving of the firſt ſhall be of no "effect; and that immediately after the ſaid firſt article, the Parliament will "proceed to an act for ſecurity of the doctrine, diſcipline, worſhip, and go-"vernment of the church, as now by law eſtabliſhed within this kingdom;" and after ſome farther debate upon the ſaid article, a reſolve was offered in thir terms, viz. "Whereas it evidently appears ſince the printing, publiſhing, and "conſidering of the articles of treaty, now before this Houſe, this nation ſeems "generally averſe to this incorporating Union in the terms now before us, as "ſubverſive of the ſovereignty, fundamental conſtitution, and Claim of Right "of this kingdom, and as threatening ruin to this church as by law eſtabliſhed.

"And ſince it is plain, that if an Union were agreed to in theſe terms by "this Parliament, and accepted of by the Parliament of England, it would "in no ſort anſwer the peaceable and friendly ends propoſed by an union; "but would, on the contrary, create ſuch diſmal diſtractions and animoſities "amongſt ourſelves, and ſuch jealouſies and miſtakes betwixt us and our neigh-"bours, as would involve theſe nations into fatal breaches and confuſions:

"Therefore, Reſolved, That we are willing to enter into ſuch an Union "with our neighbours of England, as ſhall unite us entirely, and after the "moſt ſtrict manner, in all their and our intereſts of ſucceſſion, wars, alliances, "and trade, reſerving to us the ſovereignty and independency of our crown and "monarchy, and immunities of the kingdom, and the conſtitution and frame "of the government both of Church and State, as they ſtand now eſtabliſhed "by our fundamental conſtitution, by our Claim of Right, and by the laws

" following thereupon; or reſolved, that we will proceed to ſettle the ſame " ſucceſſion with England, upon ſuch conditions and regulations of govern- " ment, within ourſelves, as ſhall effectually ſecure the ſovereignty and inde- " pendency of this crown and kingdom, and the indiſſolvable ſociety of the " ſame, with the fundamental rights and conſtitutions of the government both " of Church and State, as the ſame ſtands eſtabliſhed by the Claim of Right, " and other laws and ſtatutes of this kingdom."

Which being read, and after debate thereon, the vote was ſtated, " Ap- " prove of the firſt article of the Union in the terms of the motion, yea or " not."

But before voting, the Duke of Athole gave in the following proteſt, viz. " That he for himſelf and all others who ſhall adhere, proteſted, that an in- " corporating Union of the crown and kingdom of Scotland, with the crown " and kingdom of England; and, that both nations ſhould be repreſented by " one and the ſame Parliament, as contained in the articles of the treaty of " Union, is contrair to the honour, intereſt, fundamental laws, and conſtitu- " tion of this kingdom, the birthright of the peers, the rights and privileges " of the barons and boroughs, and is contrair to the Claim of Right, property, " and liberty of the ſubjects, and third act of Her Majeſty's Parliament, one " thouſand ſeven hundred and three, by which it is declared ' high treaſon, " ' in any of the ſubjects of this kingdom, to quarrel, or endeavour by writ- " ' ing, malicious and adviſed ſpeaking, or other open act or deed, to alter or " ' innovate the Claim of Right, or any article thereof;' and reſerving liberty " to him, and his adherents, to renew their proteſtation againſt farther pro- " ceedings in the ſaid matter, and to adjoin their reaſons for the ſame, and de- " fired this his proteſtation to be marked in the records of Parliament."

Which being read, the ſaid Duke of Athole took inſtruments thereon; and the Duke of Hamilton, Marquis of Annandale, Earl of Errol, Earl Mariſchal, Earl of Wigtoun, Earl of Strathmore, Earl of Selkirk, Earl of Kincardin, Viſcount of Stormont, Viſcount of Kilſyth, the Lord Semple, the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, and the Lord Kinnaird; George Lockhart, of Carnwarth; Sir James Foulis, of Collingtoun; Andrew Fletcher, of Saltoun; Sir Robert Sinclair, of Longformacus; Sir Patrick Home, of Rentoun; John Sinclair, younger, of Stevenſon; John Sharp, of Hoddam; Mr. Alexander Ferguſon, of Iſle; John Briſbain, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; Sir Humphrey Colquhoun, of Luſs; John Grahame, of Killairn; James Grahame, of Bucklyvie; Thomas Sharp, of Houſtoun; Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; John More, of Stonywood; David Beaton, of Balfoure; Mr. Thomas Hope, of Rankeilor;

Mr.

Mr. Patrick Lyon, of Auchterhouſe; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Mr. George Mackenzie, of Inchcoulter; Alexander Robertſon, Walter Stuart, Alexander Watſon, Alexander Edgar, John Black, James Oſwald, Robert Johnſtoun, Alexander Duff, Francis Molliſon, Walter Scot, George Smith, Robert Scot, Robert Kellie, John Hutchiſon, Mr. William Sutherland, Archibald Shiels, Mr. John Lyon, George Spence, Mr. William Johnſtoun, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer, adhered thereto.

Then the vote was put, "Approve of the ſaid firſt article of Union, in the "terms of the motion, yea or not," and it carried, "Approve."

Moved, "That the liſt of the hail members of Parliament, as they voted "pro or con, be printed," and it was agreed to.

Thereafter an overture for an act, for ſecurity of the true Proteſtant religion, and government of the church, as by law eſtabliſhed within this kingdom, was read, and ordered to be printed.

Adjourned till Wedneſday next at ten o'clock.

OBSERVATION XV.

It is very remarkable, that the addreſſes now began to throng upon the Houſe, and we find them at the beginning of every vote. The debates of this day viſibly diſcovered the reaſon and deſign of procuring theſe addreſſes, viz. that they might form an argument from the general averſions of the nation, and from thence, and the bringing the ſoldiers into the city, it was called a cramming the Union down their throats.

At the ſame time it was viſible, there were ſuch methods made uſe of to procure addreſſes; ſuch want of hands; ſuch kinds of people who ſigned; ſuch a paucity of gentry, where the counties were full of gentlemen; and ſuch varieties of circumſtances concurring to make it appear that it was the laboured performance of a party, that it was thought they met with the leſs regard.

There were indeed, in ſeveral places, addreſſes prepared from the gentry of the country, for the encouragement of the treaty, but it was concluded to be needleſs, ſince that would have been a kind of telling noſes without doors, and the party would have been pleaſed, to have had it paſt for a ſort of polling the nation, in which, they having before diſſatisfied and alarmed the common people, they had the moſt hopes of ſucceſs; this, therefore, was laid aſide, as a ſtep that would be of no uſe, and would put the Union upon a trial altogether inconſiſtent with the conſtitution, and, as it were, debate it a-la-mob.

And therefore, none of the addreſſes on the other ſide were preſented, though I have the originals of ſome by me, which were actually ſigned by the country gentlemen, and which were highly expreſſive of their aſſent to the treaty, and of their reaſons for it, ſome of which were particularly the danger of Popery, and of introducing the old tyranny in the Prince of Wales.

Nor can it but be reaſonably ſuppoſed, that had the noblemen and gentlemen of Scotland, as well in the Parliament as without, who were hearty in the buſineſs of the Union, gone home, and raiſed their tenants, vaſſals, and dependencies, to have appeared for the Union, either in the addreſſes, or in the field, they would, taking it firſt, as much have overpowered the other party without doors, as they outvoted them within; ſince it was known, that except the Duke of Athole, the principal number of the oppoſers were not men of the greateſt intereſt in their country, I mean, as to the command of their vaſſals and attendants.

But they never brought it to the extremity of that trial; and therefore the motions of the party, as to general averſions, being laid aſide, they found themſelves under a neceſſity of ſtruggling in Parliament only.

The endeavours of mobbing the Parliament were ſuppreſt, and the addreſſes obtained only a reading, but had no direct anſwer given to them, other than the proceedings of the Houſe of courſe made out; the thing now to be carried on within doors was, to load the treaty with impracticable amendments, while the party without doors endeavoured, on the one hand, to raiſe tumults in the country, bring up popular addreſſes, and at laſt, downright rebellion, as in its place will appear: and, on the other hand, to diſpleaſe and diſſatisfy the Miniſters, and bring them to appear publicly uneaſy; of which we ſhall ſee farther in its place.

The debates of this day were very warm, and ſeveral long ſpeeches were made, but it was impoſſible to obtain abſtracts of ſpeeches, which we could but juſt hear, and I ſhall not venture to injure either the ſpeaker or hearer, by impoſing my language upon them, to expreſs what others ſaid.

Long debates were offered to the ſecond part of the vote above, viz. That the Union was impracticable; that the joining of nations could not be; would tend to confuſion; and be neceſſarily broken, as in the vote. This was raiſed upon the aforeſaid book of Mr. Hodges, and proved evidently, that it was not his hypotheſis, but a concert of heads, and his interfering intereſts were here diſcourſed of.

I am not willing to examine into the inconſiſtencies of ſome people's notions, ſtarted here in matters of intereſts, and how they raiſed objections, which were not grounded on fact, eſpecially in matters of trade; I bury them

them in ſilence, in reſpect to the gentlemen; but it was next to miraculous to hear men of ſenſe alledge, that England got nothing by her Weſt-India trade, that moſt of her foreign trade was engroſſed by the excluſive companies, that Scotland got nothing by trading with England, that Scotland could gain by any foreign trade but England, and the like; theſe things will more evidently be detected hereafter.

In ſhort, a fœderal Union was offered—that was underſtood—any thing but the right, any thing but the treaty now begun; becauſe, could they have obtained a vote againſt the preſent treaty, the gaining time for another Parliament had followed, and the deſign of putting off, or delaying time, had taken effect.

Some gentlemen, with extraordinary reaſon and force of argument, endeavoured to explain to them the abſurdities and inconſiſtencies of that project, and put the Houſe in mind, that it was not a fœderal union, or a better union that thoſe gentlemen deſired, but really no union at all; and that the deſign was to defeat the endeavours of the Union only, in order to bring in French bondage, and King James VIII. upon them.

Upon the whole, the other party ſoon ſaw in the Houſe it would go againſt them, and therefore, before it was put to the vote, the Duke of Athole gave in his proteſt, as in the vote, together with the whole party of oppoſers, on whatſoever principle they oppoſed; which proteſt they had ready concerted before, expecting, as was ſuppoſed, things would go as they did, and that they ſhould be overpowered in the Houſe.

I cannot but note here, that this great debate, and on which the whole weight of the matter depended, happened on that famous day to Britain, I mean the very day on which the Prince of Orange, afterward King William, came to England; and was alſo the birth-day of that glorious Monarch.

On the ſame day, now a ſecond time, the fate of Britain had a new turn, and the ſucceſs of that gave a pleaſant preſage to many obſerving people of the future happy iſſue of the thing now in hand.

The gentlemen, who let ſlip no occaſion to puzzle the debates of this matter, had now conceived great hopes of a broil among the Miniſters, and were exceeding buſy to fill the heads of ſome of the gentlemen of the clergy with jealouſies and diſſatisfactions; and yet I cannot ſay they brought in the overture at this time, though they were always forward to puſh on that ſide too.

I cannot ſay neither that they met with no encouragement here, or that there were no warm heads to be found in the commiſſion, who, apter to take fire than was to be wiſhed, were more eaſily gained; but if there were any ſuch, the prudence and moderation of the reſt of the commiſſion ſo overruled them, as kept them from any precipitations, and contributed greatly to the general ſafety; of which I have ſpoken more largely in its place.

MINUTE

MINUTE XVI.

Wedneſday, November 6, 1706.

Prayers ſaid,

Rolls called.

The Lord Chancellor moved, "That albeit he had no opportunity to vote for "approving of the firſt article of Union; yet he deſired his name to be recorded, "and to be printed with thoſe who voted approve;" and the ſame was agreed to.

Addreſs of the Commiſſioners to the general convention of the royal boroughs, ſubſcribed by the preſes of the convention, againſt concluding ſuch an incorporating Union, as is contained in the articles propoſed, given in and read.

Then the following addreſſes were given in, viz. Addreſs by barons, freeholders, and others, within the ſhire of Renfren, ſubſcribing the ſame; addreſs by barons, freeholders, and others, within the ſhire of Fife, ſubſcribing the ſame; and an addreſs by the magiſtrates of the burgh of Falkland, counſellors and inhabitants therein, and of heretors within the paroch thereof, ſubſcribing the ſame; all againſt allowing of an incorporating Union, in the terms contained in the articles, with England, and were all read.

And an addreſs by heretors, elders, and maſters of families, within the paroch of Hamiltoun, ſubſcribers of the ſame, that no Union be haſtily entered into with England, alſo given in and read.

Act for ſecurity of the true Proteſtant religion and government of the church, as by law eſtabliſhed within this kingdom, again read, and a firſt reading ordered to be marked thereon.

Adjourned till Friday next at ten o'clock.

OBSERVATION XVI.

The fatigue of the laſt day was ſo great, that both ſides ſeemed, as it were, to take breath; and little was done to-day, except reading the Church act.

My Lord Chancellor, like the ſpeaker of the Houſe of Commons, having no vote in the Houſe, unleſs on an equal diviſion, his Lordſhip's name could not be printed in the liſt of names; but his Lordſhip's zeal was always remarkable in carrying on this Union; and, in this in particular, his Lordſhip was reſolved to let the world know he was not aſhamed of the part he had taken in this affair, and therefore moved very honourably to have his name printed with the reſt of the gentlemen who voted for the Union; the liſt of whom I have put into the appendix to this work, becauſe the vote upon this article

being the main trial of ſkill in the Houſe upon the Union in general; and the Houſe having ordered them to be made public with the minutes, it may not be amiſs to let poſterity ſee who and who were for or againſt.

There were ſeveral other liſts printed upon the occaſion of the following votes, as per the reſpective minutes will appear, which I have, for want of room, omitted: the preſent liſt will be found marked—N. F x x.

MINUTE XVII.

Friday, November 8, 1706.

Prayers ſaid.

Rolls called.

Repreſentation and petition of the commiſſion of the general aſſembly of this church, repreſenting ſeveral difficulties in relation to ſome of the articles of Union, and craving ſuitable remedies, read.

Then the following addreſſes were given in and read, viz. Addreſs of the inhabitants of the paroch of Tulliallan, ſubſcribing the ſame; addreſs of the magiſtrates, town-council, merchants, deacons of crafts, and other tradeſmen and inhabitants, within the burgh of Dumferling, ſubſcribers of the ſame; and an addreſs by heretors, merchants, maſters of ſhips, marines, and other inhabitants in the town of Borrowſtounneſs, ſubſcribing the ſame; all againſt allowing of an incorporating Union with England, upon the terms contained in the articles.

As alſo an addreſs of the inhabitants of the paroch of Blantyre, ſubſcribers of the ſame; and an addreſs of heretors and commoners in the paroch of Avendale, ſubſcribing the ſame, that no Union be haſtily entered into with England, were likewiſe given in and read.

Thereafter an act for ſecurity of the true Proteſtant religion and government of the church, as by law eſtabliſhed within this kingdom, was again read.

Moved, "That the conſideration of the ſaid act be delayed till next *ſederunt*."

Moved alſo, "That the Parliament proceed to the conſideration of the act "for a ſupply."

And after ſome reaſonings on theſe motions, it was agreed to lay aſide the act for ſecurity of the Proteſtant religion and church government for this *ſederunt*, and to proceed to the act for a ſupply; and accordingly the act for a ſupply was again read.

And it was agreed, that a ſupply of eight months ceſs ſhould be granted to Her Majeſty for the ends and uſes mentioned in the act, extending to five hundred

and

and ſeventy-ſeven thouſand ſixty-ſix pounds thirteen ſhillings and four pennies, and that it ſhould be payable at the terms following, viz. one month's ſupply the tenth of December for Martinmaſs next, one month and a half month's ſupply at Candlemaſs one thouſand ſeven hundred and ſeven, one month and a half at Whitſunday, one month and a half at Lambmaſs, one month and a half at Martinmaſs the ſaid year, and one month's ſupply at Candlemaſs one thouſand ſeven hundred and eight.

Moved, "That, in place of the retention of a twelfth part of annual rents allowed by the above act for a ſupply, there be an allowance granted for retention of a fixth part of annual rents;" and after ſome reaſoning thereupon, it was put to the vote, "Approve of the article anent the retention, or amend;" and it carried "Approve."

And after ſome amendments, the act was voted and approved.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XVII.

I have already given an account of the birth of this paper, called The Repreſentation and Petition, and the ſeveral difficulties it met with in the commiſſion of the aſſembly, and which, ſome have ſaid, was a reaſon why it met with leſs encouragement in the Parliament than was expected; but it may be worth notice, that notwithſtanding it did not meet with a very kind reception, ſome of the gentlemen having been diſobliged in the caſe of their proteſt, yet the Houſe did not wholly omit the things deſired in it.

Some of the gentlemen, who, as ruling elders, had proteſted in the commiſſion, had, it ſeems, met with ſome perſonal reflections from the raſhneſs of ſome members; that was diſobliging enough, and upon which they had withdrawn themſelves from the commiſſion, and ſeldom, if at all, came there any more during the whole ſitting; and though the raſhneſs of the perſons who gave thoſe reflections was not approved by the commiſſion, yet it ſtuck a little too cloſs with ſome people, and, it was thought, made them leſs careful of the application made by the Miniſters in this caſe.

Upon the receiving the repreſentation or petition into the Houſe, there were no debates of any conſequence, it was only read; and the act of Security being as per the minutes adjourned, the other lay by of courſe.

The money bill now came on; and as the other party thought the ſpeeding of it might be a ſtep to put an end to the ſeſſion, they all came into it, and gave it all the diſpatch poſſible.

It

It was apparent, that in order to break up this treaty, the gentlemen ſtudied all poſſible methods to raiſe the Parliament: this they could never have done while the funds remained unſettled, becauſe it being a thing of ſuch conſequence to the kingdom, the whole country would have laid it at their door, and the Queen would have had the higheſt affront put upon both her perſon and government imaginable; and therefore this was one of the firſt things they puſhed at, and that made it paſs immediately with no oppoſition at all, thoſe gentlemen complying with it, as it was removing an obſtruction to their general deſign.

MINUTE XVIII.

Saturday, November 9, 1706.

Prayers ſaid.

Rolls called.

The act for ſupply was touched with the ſcepter by Her Majeſty's High Commiſſioner in the uſual manner.

Thereafter the following addreſſes were given in and read, viz. Addreſs by the provoſt, bailiffs, town-council, and burgeſſes, of the burgh of Forfar, ſubſcribing the ſame; addreſs of heretors and commons in the paroch of Cambuſnethan, ſubſcribing the ſame; addreſs of the heretors, elders, and heads of families, of the paroch of Cambuſlang, ſubſcribers of the ſame; addreſs by heretors, ſeſſion and inhabitants, of the paroch of Kilbryde, ſubſcribing the ſame; addreſs of the heretors, elders, and maſters of families, in the paroch of Bothwel, ſubſcribing the ſame; and an addreſs by heretors and commons, in the paroch of Old Munkland, ſubſcribing the ſame: all againſt entering into an Union with England in the terms of the articles.

Thereafter the act for Security of the true Proteſtant religion and government of the Church, as by law eſtabliſhed, within this kingdom, was again read; and upon reading the firſt clauſe thereof, it was moved, "That there "ſhould be a particular enumeration made of all the acts in favour of the kirk;" and after ſome reaſoning thereon, the vote was ſtated, "Approve of the clauſe "as it ſtands, or amend and enumerate the acts;" and it carried "Approve."

Then the ſecond clauſe of the ſaid act was read and agreed to.

And upon reading the third clauſe, it was moved, "That an additional clauſe "be added for ſecuring the continuance of the univerſities and colleges of this "kingdom;" and thereupon an amendment being made in thir terms, "That the "univerſities and colleges of this kingdom, viz. of St. Andrews, Glaſgow, Aber-

" deen, and Edinburgh, as now eſtabliſhed by law, ſhall continue within this " kingdom for ever:" after ſome debate thereupon, the vote was put, " Approve " of the clauſe as amended, or not;" and it carried " Approve."

Adjourned till Tueſday next at ten o'clock.

OBSERVATION XVIII.

The amendments here made to the act for ſecurity of the church, make it evident, that the Parliament did not ſlightly paſs over that affair, as ſome people pretended they would do, though they did not enter into the debate of the inſufficiency which ſome offered, as things which tended not to amendments of the act as it was offered, but to a rupture of the debate; for the people who offered at the inſufficiency of the act went upon this foot; not that this overture or act was an inſufficient ſecurity, but that really the Union with England, as an epiſcopal nation, was inconſiſtent with the ſafety of the church of Scotland; and that not this act only was, but any other act that could be made, would be inſufficient to ſecure the church of Scotland.

This appeared to be the plain deſign, in that, as I have already noted, the gentlemen that ſpoke loudeſt for the inſufficiency of the act of Security, were not of thoſe people who really were moſt concerned for the ſafety of the church of Scotland; the objections alſo were not calculated for amendments or additions, but for deſtroying the bill itſelf, as built on the ſuppoſition of an Union, which, they ſaid, was a foundation that would not bear ſuch a ſuperſtructure: and though ſome well-meaning men too were of opinion that the church of Scotland could not really be ſafe in an Union with England, yet theſe gentlemen, as is noted, applying it purely as an obſtacle to the Union, and as a thing, by which means they hoped to render the Union univerſally odious and terrible to the people.

And this will be more apparent from the proteſt entered into, after all the clauſes were read, and after all amendments that could be reaſonably deſired, were agreed to, as will appear in the next day's minute.

MINUTE

MINUTE XIX.

Tueſday, November 12, 1706.

Prayers ſaid.

Rolls called.

The following addreſſes were given in and read, viz. Addreſs of the magiſtrates, town-council, merchants, deacons of crafts, and other inhabitants within the burgh of Crail, ſubſcribing the ſame; addreſs of heretors and commons in the paroch of Eaſter-Munkland, ſubſcribers of the ſame; addreſs of heretors and commoners in the paroch of Shotts, ſubſcribing the ſame; addreſs of heretors and commoners of the paroch of Dalſerf, ſubſcribing the ſame; addreſs of heretors and commoners in the paroch of Stenhouſe, ſubſcribers of the ſame; addreſs of a body of people in the ſouth and weſtern ſhires, ſubſcribed by Mr. John Hepburn and other ſeven perſons; and an addreſs of the magiſtrates, town-council, and other inhahitants of the burgh of Kircudbright, ſubſcribers of the ſame; all againſt allowing an Union with England in the terms of the articles.

Thereafter the Parliament proceeded to the farther conſideration of the act for ſecurity of the true Proteſtant religion, and government of the church as by law eſtabliſhed within this kingdom, and the fourth clauſe thereof again read; whereupon it was moved that a clauſe ſhould be added in thir terms, "And "that they ſhall be capable of any office, civil or military, and to receive any "grant, gift or right, and to have command or place of truſt from and under "the Sovereign within any part of Great Britain:" and after debate thereupon, it was put to the vote, "Add the above clauſe, or not;" and it carried "Not." And the clauſe as it ſtood in the draught of the act agreed to.

Then the fifth clauſe of the act was alſo read, and agreed to, with ſome amendments.

And the next clauſe being again read and amended, was likewiſe agreed to.

Whereupon the whole act was again read, as alſo the laſt repreſentation and petition of the Commiſſion of the General Aſſembly of the Church, and a vote was thereupon ſtated, "Approve the act, or not."

But before voting, the Lord Beilhaven gave in a proteſtation in thir terms: "That he did proteſt in his own name, and in name of all thoſe who ſhall adhere "to him, that this act is no valid ſecurity to the church of Scotland, as it is "now eſtabliſhed by law, in caſe of an incorporating Union, and that the "church of Scotland can have no real and ſolid ſecurity by any manner of "Union, by which the Claim of Right is unhinged, our Parliament incorpo-"rated, and our diſtinct ſovereignty and independency aboliſhed;" which being read, he took inſtruments thereupon: and the Duke of Hamilton, the Duke of

Athole, the Marquis of Annandale, the Earl of Errol, the Earl Mariſchal, the Earl of Wigtoun, the Earl of Selkirk, the Earl of Kincardine, the Viſcounts of Stormount and Kilſyth, the Lord Oliphant, the Lord Blantyre, the Lord Colvil, the Lord Kinnaird, Andrew Fletcher, of Saltoun; John Briſbane, younger, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; Sir Humphrey Colquhoun, of Luſs; Robert Rollo, of Powhouſe; John Murray, of Strowan; Francis Moliſon, Mr. John Carruthers, and George Home, adhered thereto.

Moved, "That all the members ſhould be marked, as they ſhould approve "the act or not, and alſo as they ſhould adhere to the proteſt, and that the liſt "of the members, as they ſhall vote pro or con, ſhall be printed and agreed to."

Then the vote was put, "Approve, or not;" and it carried "Approve."

Adjourned till Thurſday next at ten o'clock.

OBSERVATION XIX.

The reading of the act of Security having been begun laſt day, ſeveral amendments were offered, ſuch as, firſt, the enumerating the acts of Parliament upon which it was grounded; this admitted no long debates; if it had had any ſignification, it would have been granted, but it was generally eſteemed a thing of no value, merely unneceſſary and trifling, and as ſuch was rejected: The reaſon given was, becauſe one act is particularly ſpecified to be ratified by this treaty, to wit, the 4th act of the 1ſt Parliament of King William and Queen Mary, intitled, "An act ratifying the confeſſion of "faith, and ſettling Preſbyterian church government;" and then it mentions, "With the hail other acts relating thereunto," which was thought ſufficient and full enough.

The next amendment was for the colleges, which was found reaſonable, and was hinted by ſome, who had, not without juſt cauſe, obſerved how much the ſchools of the Diſſenters in England are regretted by ſome people, who envy the increaſe of their number; and this therefore, as a moſt reaſonable demand, was immediately agreed to by the Parliament, and is made part of the act, as will appear by the draught of the bill.

The fourth clauſe had an objection of greater moment depending on it, which cauſed long debates, and was built on a foundation, however plauſible and juſt in itſelf, had yet ſuch a known impoſſibility before it, morally ſpeaking, as that no ſmall hopes were conceived from it, that it would ſhock the whole treaty.

All men know, that in England, by the Teſt Act, as it is called, all perſons that obtain any office, civil or military, &c. are obliged to take the ſacrament, according to the uſage of the church of England, and to bring certificates, &c. of the ſame, under pain of incapacity, among other penalties:

Now

Now it was a moſt plauſible argument, that, if the ſubjects of both kingdoms were to enjoy equal privileges, the ſubjects of Scotland taking the ſacrament in the national church of Scotland, ought to be as capable of places or offices, &c. as the ſubjects of England taking the ſacrament in the national church of England.

Nor was this matter carried a little way, but became the ſubject of infinite diſcontents without doors, and of long diſputes within; it was ſuggeſted and printed too, by the ſame author, of whom mention is already made, as writing againſt the Union, That all the members of Parliament in England were obliged to take the ſacrament before they could ſit in the Houſe, but this, as falſe in fact, was cruſhed at firſt, ſeveral accounts being given of its being quite otherwiſe; but then this clauſe coming in upon the neck of that ſurmiſe, it was thought a popular argument, and indeed was ſo: And the people began to be very uneaſy about it, ſaid the Parliament would give up all to the Engliſh; that this was ſo fair a thing, it could not be argued againſt; and indeed a great many people looked upon the thing, viz. taking of the Engliſh Teſt, as what they wiſhed earneſtly enough to have done; but the more penetrating judgements ſaw farther into the depth of this; and finding it a deſign purely ſtriking at the root of the Union, they were the rather inclined to drop it, though they at the time deſired it; the difficulty lying in this, that the ſacramental Teſt being a thing the Engliſh Parliament have been very tenacious of, upon all occaſions, this would be to aſk ſomething which they knew would not be granted, and conſequently put the treaty to a ſtop.

Others again propoſed a reciprocal teſt to be placed in Scotland, to ſecure or exclude all ſuch of the Engliſh nation as would not acknowledge this church, &c. The tenor of this was according to the following copy, which they called a Formula:

"I A. B. do ſwear and declare, That the Preſbyterian government of "this church is a lawful government, and that I ſhall neither directly nor "indirectly do any thing to the alteration thereof."

But this alſo dropped of itſelf; for ſome people that were nevertheleſs againſt the Union, yet were againſt this ſort of reciprocal oath, as a thing they did not approve on any account, one or other.

There were ſome ſmall amendments to the fifth and ſixth clauſes, but not of conſequence; and thus this difficult matter was paſſed into a law.

There were ſome who clamoured very much on this head, and a great many perſonal reflections were made, I will not ſay, altogether without cauſe, viz. That the church was abandoned by her own friends, or at leaſt by thoſe who pretended to be ſo; that, if they had aſked more, it might have been

been obtained; and that the demands the Miniſters made, were not duly weighed, much leſs anſwered; but yet it ſeems, on the whole, that the main foundation article, viz. the eſtabliſhment of the church government unalterable, was effectually ſecured; and though ſome particulars might be omitted, the church has no open place left, at which her enemies can wound her conſtitution.

There were great clamours raiſed, both within and without the Houſe, about the inſufficiency of this Act of Security, as that it was leſſening the ſecurity the church already had by the Claim of Right, and not providing an equivalent ſecurity in the room of it; that the very treating of it implied a farther ſecurity was needful, and yet no farther ſecurity was provided than alone confirming the Claim of Right.

This was the foundation of the propoſal of the reciprocal teſt, or an oath to ſecure the church of Scotland, in like manner as the Teſt act is for the ſecurity of the church of England. Of which above.

Another objection was, that though indeed the act of William and Mary was confirmed, yet, that the act declaring it to be high treaſon to impugn the Claim of Right was not confirmed, nor the other acts relating thereto ſpecified; nor ſome ancient obſolete acts taken away, which ſtand unrepealed, and which are inconſiſtent with Preſbyterian government.

This was anſwered, particularly as to enumerating the acts as above, and as to repealing the acts, the twenty-fifth article of the Union declares all acts contravening this treaty to be, ſo far as they do ſo contravene this treaty, *ipſo facto* repealed, &c.

Again it was objected, that there was no proviſion made for prevention of miſchief to the church, for want of a commiſſion or court for plantation of kirks, and valuation of teinds, which is what the church will be in great want of.

This was effectually anſwered, by ſettling an act of Parliament, previous to the Union, for the plantation of kirks, and valuation of teinds, impowering the Lords of Council and Seſſion to judge, cognoſce, and determine in all affairs and cauſes whatſoever, which, by the laws and acts of Parliament of this kingdom, were formerly referred to, and did pertain and belong to the juriſdiction and cognizance of the Commiſſioners formerly appointed for that effect, as fully and freely in all reſpects, as the ſaid Lords do or may in other civil cauſes.

The great and main objections were againſt the poſſibility of either Church or State being ſecured ſo by this treaty, as that a Britiſh Parliament might not overwhelm it again by plurality of voices, which is a ſuppoſed conſent.

This, as the ſame with the general objection againſt the Union, was anſwered in the general terms of the Union, viz. that this was to remain unalterable for ever, and therefore could not be ſuppoſed to be temporary.

Upon the debate of thoſe things it is plain, what I have ſo often alledged on thoſe gentlemen, and which therefore is not putting it as my opinion, which I am not at all forward to offer to the world: but it appears, that the objection of the gentlemen did not ſo much lie againſt particular clauſes, though they thought fit to diſpute their ground by inches thereto, but this objection lay againſt the general head, the Union, and they brought every head, as they went through them, to ſhock directly with the whole treaty.

Thus in the proteſt given in here by the Lords diſſenting, it is expreſſly ſaid, that the church of Scotland can have no real and ſolid ſecurity, by any manner of Union, &c. as per the minute.

Alſo it is to be noted here, that the gentlemen of that ſide were the firſt who moved to print the names of all thoſe that voted to the firſt article, pro and con, which was thought at that time a day, an expoſing the perſons to the popular reſentment, the tumults of the people beginning to be at that time very high.

But the other party, who had agreed voluntarily to the ſaid printing of names, took the advantage now, and moved, That the ſame might be done alſo in the vote about the church, by which the epiſcopal party were brought in, proteſting in behalf of the church: the gentlemen would have avoided it, but having been the firſt in putting the like upon the other, they could not ſhun it: this expoſed them very much, and opened the eyes of many of the people, when they ſaw ſuch people voting for the church, who never owned the church in their lives; and others voting againſt the thing, who were conſtant members of the church, and had given conſtant proof of their zeal for the church's advantage.

And thus the Act of Security was paſt, and after engroſſed into the body of the articles, as will appear by the act of Parliament.

MINUTE XX.

Thurſday, November 14, 1706.

Prayers ſaid.

Rolls called.

The Lord Chancellor moved, "That albeit he had no opportunity to vote for "approving the act 'For ſecurity of the true Proteſtant religion and govern-"'ment of the church of Scotland as now by law eſtabliſhed;' yet he deſired "his name to be recorded as an approver, and to be printed among thoſe "voted approve;" and the ſame was agreed to.

Then

Then the following addreſſes were given in and read, viz. Addreſs of the parochiners of Covingtoun, Carſtairs, and Symontoun, ſubſcribed by the ſame; addreſs of parochiners of Libertoun, Quothquan, and Dunſyre, ſubſcribers of the ſame; addreſs of the magiſtrates, gentlemen, heretors, burgeſſes, and inhabitants, within the burgh and paroch of Rutherglen, ſubſcribing the ſame; addreſs of the parochiners of Carnwarth, ſubſcribers of the ſame; and an addreſs of barons, heretors, and freeholders, within the ſheriffdom of Lanerk, ſubſcribers of the ſamen: all againſt allowing an union with England in the terms of the articles.

Thereafter the ſecond article of the Union again read, whereupon a motion was made in thir terms; "That before any vote upon the ſecond article of "Union, it be inſert in the minutes as a preliminary, that the agreeing to the "ſecond article of the treaty, in relation to the ſucceſſion to the crown of "Great Britain, ſhall not be binding or have any effect, unleſs terms and con-"ditions of an union of the two kingdoms be finally adjuſted and concluded, "and an act paſs thereupon in this Parliament; and that the ſaid terms and "conditions be alſo agreed to and ratified by an act of the Parliament of "England."

As alſo a reſolve was given in in thir terms, viz. "Reſolved, that this Houſe "will proceed to the conſideration of the articles in the treaty which relate to "trade and taxes, before any of the other articles;" which being read,

After ſome debate thereupon, the vote was ſtated, "Proceed to the conſi-"deration of the ſecond article of the Union in the terms of the above mo-"tion," or "Proceed to the conſideration of the fourth and other articles of "the treaty which relate to trade and taxes."

And before voting it was agreed, that the members ſhould be marked as they vote, and that the liſt of their names ſhould be printed accordingly.

Then the vote was put, "Proceed to the ſecond article of union in the "terms of the preliminary motion," or, "Proceed to the fourth and other ar-"ticles;" and it carried, "Proceed to the ſecond article of Union.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XX.

The obſervations on this day are referred to the next, there being nothing done but the vote to proceed.

The oppoſition to this vote was in order, if poſſible, to have delayed the affair of the ſucceſſion, to have kept the Jacobite party expecting, and conſequently adhering to them in the oppoſition; but they fell out quickly, as will appear in the next minute.

MINUTE XXI.

Friday, November 15, 1706.

Prayers ſaid.

Rolls called.

Repreſentation and petition of the commiſſion of the General Aſſembly of this church, repreſenting the increaſe of popery, prophanity, and other irregularities; and craving the ſame may be reſtrained; and that the ſucceſſion to the crown may be eſtabliſhed in the Proteſtant line, read, and remitted to the Committee for examining the calculation of the equivalent, to conſider of proper methods of ſuppreſſing Popery, prophanity, and other irregularities; and for execution of the laws already made; and to conſider what laws may be farther neceſſary for the effectual ſuppreſſing thereof and preventing the ſame.

Then the following addreſſes were given in and read, viz. Addreſs of merchants and trades of the city of Glaſgow, ſubſcribers of the ſame; addreſs of feuars, maſters of families, and other inhabitants of Gorbels and mure thereof, ſubſcribing the ſame; addreſs of the parochiners of Biggar, ſubſcribers of the ſame; and two ſeveral addreſſes of Barons, heretors, and freeholders of the ſhire of Lanerk, ſubſcribing the ſame: all againſt allowing an union with England, in the terms of the articles.

Thereafter the ſecond article of Union was again read, with the preliminary motion mentioned in the former day's minutes.

Wherupon it was moved "That the Parliament do proceed to ſettle the "ſucceſſion upon regulations and limitations in the terms of the reſolve given "in and narrated in the minutes of the fourth of November inſtant, and not in "the terms of the ſecond article of Union."

Moved alſo, "To addreſs Her Majeſty, and to lay before her the condi"tion of the nation, and the great averſion in many perſons to an incorpora"ting Union with England; and to acquaint Her Majeſty, of the inclinations "and willingneſs to ſettle the ſucceſſion in the Proteſtant line, upon limita"tions; and in order thereto, that ſome receſs be granted."

And after debate upon theſe ſeveral motions, a vote was propoſed, "Ap"prove of the ſecond article of Union, in the terms of the preliminary mo"tion inſerted in the former day's minutes or not."

And after ſome furder debate, there was a ſecond ſtate of a vote offered in theſe terms, "Addreſs or not."

And after ſome reaſoning, which of the two ſhould be the ſtate of the Vote, it was put to the vote, "Whether firſt or ſecond;" and it carried, "Firſt."

But it being moved, " That ſome farther reaſoning ſhould be allowed, be-
" fore the vote were ſtated for approving the ſecond article of Union:" after ſome debate thereupon, it was agreed, that the Engliſh acts of Parliament mentioned in the ſecond article of Union be read, and that immediately thereafter, without farther debate, a vote ſhould be ſtated, " Proceed to call the
" vote for approving the ſecond article of Union, or delay;" and it carried, " Proceed;" that the vote immediately thereafter, without any intervening debate, be put, " Approve of the ſecond article of Union, in the terms of the
" preliminary motion mentioned in the laſt day's minutes, or not."

And accordingly the acts of the Engliſh Parliament mentioned in the ſecond article of Union were read.

Thereafter the vote was put, " Proceed to call the vote for approving the
" ſaid ſecond article of Union, or delay;" and it carried, " Proceed."

Then the vote was put, " Approve the ſecond article of Union in the terms
" of the preliminary motion inſert in the laſt days minutes, yea or not."

But before voting, the Earl Mariſchal gave in the following proteſt; whereby he did proteſt for himſelf, and all thoſe who ſhall adhere to this proteſtation,
" That no perſon can be deſigned a ſucceſſor to the crown of this realm, af-
" ter the deceaſe of Her Majeſty (whom God long preſerve) and failzieing
" heirs of her body, who is ſucceſſor to the crown of England; unleſs, that
" in this preſent ſeſſion of Parliament, or any other ſeſſion of this or any en-
" ſuing Parliament during Her Majeſty's reign, there be ſuch conditions of
" government ſettled and enacted, as may ſecure the honour and ſovereignty
" of this crown and kingdom; the freedom, frequency, and power of Parlia-
" ment; the religion, liberty, and trade of the nation, from Engliſh or any
" foreign influence." Which being read, he took inſtruments thereupon; and the Dukes of Hamilton and Athole, the Earls of Errol, Mariſchal, Wigtoun, and Strathmore; the Viſcounts of Stormont, and Kilſyth, the Lords Saltoun, Semple, Oliphant, Balmerino, Blantyre, Bargany, Colvil, and Kinnaird; George Lockhart, of Carnwarth; Andrew Fletcher, of Saltoun; Mr. Alexander Ferguſon, of Iſle; John Briſbain, younger, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; John Grahame, of Killairn; James Grahame, of Buckyvie; Robert Rollo, of Powhouſe; John Murray, of Strowan; James More, of Stonywood; Mr. Thomas Hope, of Rankeilor; Mr. Patrick Lyon, of Auchterhouſe; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; James Sinclair, of Stempſter; Mr. George Mackenzie, of Inchcoulter; Alexander Edgar, James Oſwald, Alexander Duff, Francis Molliſon, George Smith, Robert Scot, Robert Kellie, John Hutchiſon, Archibald Shiells, Mr. John Lyon, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer, adhered thereto.

And

And it was agreed, that the members ſhall be marked as they ſhall adhere to the proteſt; and alſo as they ſhall vote approve or not, and the liſt of the members' names as they ſhall vote pro or con, be printed.

Then the vote was put, "Approve or not," and it carried "Approve."

And the Lord High Chancellor was allowed to have his name printed and recorded as an approver; as alſo to be recorded and printed amongſt thoſe who voted, "Proceed to the ſecond article the laſt *ſederunt*."

Adjourned till Monday next at ten o'clock.

OBSERVATON XXI.

The debates of this day made yet a larger diſcovery of the affair; and the gentlemen who were againſt the Union ſtruggling, on all occaſions, againſt the going on of the articles, took now a new meaſure.

The Marquis of Annandale made this motion for the ſucceſſion, as appeared by the Lord Beilhaven's ſpeech: there had been a party of gentlemen, as was before obſerved, who were always for the ſucceſſion with limitations, but were oppoſed by others who were entirely againſt the ſucceſſion at all, as it reſpected the Houſe of Hanover: but as ſeveral people differing in their other ſentiments, yet joined in their oppoſing the Union, ſo here the ſtrongeſt oppoſers of the ſucceſſion came now into the thing they had ſo long oppoſed, and moved now for the ſucceſſion with limitations, in order to avoid the Union.

My Lord Beilhaven ſeconded this with another ſpeech, which was afterward printed; in which his Lordſhip moved for ſettling the ſucceſſion upon the Princeſs Sophia of Hanover, &c. I have printed this ſpeech the rather, becauſe it is really the ſubſtance or recital of three ſpeeches, as will be ſeen in the particulars of it, and ſhews plainer than I can otherwiſe expreſs, how that part was acted.

"My Lord Chancellor,

"Your Lordſhip may remember the laſt day, when we had under conſidera
"tion, whether to proceed to the fourth or ſecond article, that I did wi[illegible]neſs
"my concern and reſentment, to find ſo many honourable and worthy mem-
"bers of this Houſe ſo forward to finiſh the demands of England in this trea-
"ty, without taking notice of any one article that could be properly ſaid to
"relate to the demands of Scotland.

"Now that we are entered upon the ſecond article, I deſire to be reſolved
"in one queſtion: What are the motives that ſhould engage us to take Eng-
"land's ſucceſſion upon their own terms? Is it not ſtrange that no anſwer

" ſhould be given to this queſtion, ſave that, When you come to conſider " the reſt of the articles, you ſhall be ſatisfied on that demand. This is a " new way of arguing, my Lord; a method without precedent, ranverſing " nature, and looks more like deſign that fair dealing. I profeſs I think " the huge and prodigious rains that we have had of late, have either drowned " out, or found out another channel for reaſoning, than what was formerly; " for by what I can ſee by this new method, the agreeing to the firſt article " ſhall be found a ſufficient reaſon why we ſhould agree to the ſecond, and " the agreeing to the ſecond for the third, and ſo for all.

" If there was ever ſuch a farce acted; if ever reaſon was Hudibraſed, " this is the time: conſult all the treaties ſince the beginning of the world " to this day, and if you can find any one precedent, I ſhall yield the " cauſe.

" I ſhall inſtance, my Lord, one for all, and that is, the firſt and worſt " treaty that ever was ſet on foot for mankind; and yet, I am ſorry to ſay it, " there appears more ingenuity in it than in our procedure. When the Ser- " pent did deceive our mother Eve, he propoſed three advantages before he " preſumed to adviſe her to eat the forbidden fruit: the firſt was taken from " the ſight, the ſecond from the taſte, and the third from the advantage fol- " lowing thereupon. That from the ſight was enforced by a 'Behold, how " lovely and comely a thing it is! it's pleaſant to the eye.' That from the " taſte, from a perſuaſion that it was good for nouriſhment; 'It's good for " food.' That from the advantage, 'It will make you wiſe, ye ſhall be as the " gods; therefore, upon all theſe conſiderations, eat.'

" Allow me, my Lord, to run the parallel of this with relation to our pro- " cedure in this treaty.

" Upon the firſt account that our nation had of the treaty's being finiſhed " betwixt the two nations, people appeared all generally very well ſatisfied, " as a thing that would tend to the removal of all jealouſies, and the ſet- " tling a good underſtanding betwixt the two kingdoms: but ſo ſoon as the " articles of the treaty appeared in print, the very ſight of them made ſuch " a change as is almoſt inconceivable; they were ſo far from being plea- " ſant to the eye, my Lord, that the nation appears to abhor them.

" One would think, my Lord, that it had been the intereſt of thoſe who " are ſatisfied with the thing, to have gone immediately into the merits of " theſe particular articles which relate to Scotland, and to have ſaid, Gen- " tlemen, be not affrighted with their ugly ſhape, they are better than they " are bonny; come, taſte; come, make a narrow ſearch and inquiry; they are

good

" good for Scotland; the wholeſomeſt food that a decaying nation can take:
" You ſhall find the advantages, you ſhall find a change of condition, you
" ſhall become rich immediately; you ſhall be like the Engliſh, the moſt
" flouriſhing and the richeſt people of the univerſe.

" But our procedure, my Lord, hath been very far from the prudence of
" the Serpent; for all our arguments have run upon this blunt topic, Eat,
" ſwallow down this incorporating Union; though it pleaſe neither eye nor
" taſte, it muſt go over: you muſt believe your phyſicians, and we ſhall con-
" ſider the reaſons for it afterwards.

" I wiſh, my Lord, that our loſs be not in ſome ſmall manner proportion-
" able to that of our firſt parents; they thought to have been incorporate with
" the gods: but in place of that, they were juſtly expelled paradiſe, loſt
" their ſovereignty over the creatures, and were forced to earn their bread
" with the ſweat of their brows.

" My Lord Chancellor, I have heard a propoſal made from the other ſide
" by the Marquis of Annandale; that, in place of agreeing to this ſecond
" article, wherein the ſucceſſion is to be declared, as a conſequence of our
" being united to England in one kingdom, we ſhould immediately go to
" intail our crown upon the illuſtrious family of Hanover, upon ſuch condi-
" tions and limitations as are in our own power to make, for the ſecurity of our
" ſacred and civil concerns. I think this is the import of what his Lordſhip
" gave in, by a reſolve formerly, and hath told this honourable Houſe, that
" he thinks he acts conſequentially to his former declared principles, and
" that this is now the only meaſure which can ſettle and ſecure the peace and
" quiet of this nation, and fix a firm ſecurity for the Proteſtant intereſt, and
" a perfect underſtanding betwixt the two nations.

" I have alſo heard a diſcourſe by his Grace the Duke of Hamilton,
" ſhewing, that ever ſince his Grace had the honour to be a member of this
" honourable Houſe, he had made it his buſineſs to ſerve the Sovereign and
" his Nation faithfully and honeſtly, without any by-ends, by-views, or
" ſelf-intereſts; that before the affair of the ſucceſſion was tabled in Scot-
" land, he had endeavoured to promote the intereſt of his nation, by good
" laws, and by the beſt counſels he was capable to give, for rectifying things
" amiſs, and advancing the ſolid intereſt of his country; that ſince the affair
" of the ſucceſſion came to be conſidered, he could never give himſelf the li-
" berty to believe, but that previous to any ſettlement, we ought to have
" had ſuch condeſcenſions with relation to trade and commerce from Eng-
" land, as might retrieve the loſſes the nation hath ſuſtained from them ever
" ſince the Union of the two Crowns under one Sovereign; and that there-

upon,

" upon, to prevent all faction and party in the treating of an affair of ſuch " importance, he had freely left the nomination of the Lords Commiſſioners " to Her Majeſty, and wiſhes the choice had been anſwerable to his deſign; " but none can accuſe him as bargaining for himſelf, ſince he has no reaſon " to complain of the breach of any ſtipulation upon that head; that now " having conſidered the articles of this treaty lying before us, and the fatal " conſequences that may follow upon the finiſhing of an incorporating Union " with England, with the general averſation that appears by the addreſſes " from the ſeveral ſhires of the kingdom, and particularly from the addreſs " of the Commiſſion of the General Aſſembly, and of the royal boroughs of " Scotland, he finds it neceſſary to alter his thoughts of that matter; that " he was none of thoſe who loved to keep things looſe and in confuſion: he " had an eſtate in both kingdoms, and therefore it was not to be ſuppoſed " he would make uſe only of a treaty to throw out the ſucceſſion one time, " and of the ſucceſſion to throw off the treaty another time. Therefore, " to prevent worſe conſequences, he is content, that in this Parliament, the " ſucceſſion be declared and ſettled upon the illuſtrious Princeſs Sophia " Electoreſs of Hanover, and the heirs of her body, upon ſuch conditions " and limitations as ſhall be found neceſſary by this Parliament, to ſecure " our civil rights and liberties, the independency and ſovereignty of the " nation, and the Preſbyterian government of this church, as it is founded " upon the Claim of Right, and eſtabliſhed by law, and whoſe privileges " and ſettlement he reſolves to ſupport with the utmoſt of his power.

" And therefore, his Grace thinks himſelf obliged, with all humility in " this preſent juncture of affairs, to addreſs himſelf particularly to His Grace " my Lord Commiſſioner, and to beg of His Grace, that he would be " pleaſed to acquaint Her Majeſty with the true ſtate of the nation, and " with the propoſal made for allaying the preſent ferment, and ſettling a " ſolid peace and good underſtanding betwixt her two kingdoms, and that " a ſmall receſs may be granted in the mean time, till Her Majeſty's gracious " anſwer come, which, with all ſubmiſſion, he conceives will prevent theſe " bad conſequences that the farther puſhing on of this treaty may occaſion. " I think, my Lord, this is materially what His Grace ſaid, though not ſo " fully nor ſo well expreſſed.

" Now, my Lord, it remains that I give account of myſelf, and of my " own opinion of this affair: All who know me, my Lord, know that I have " been from the beginning on a revolution foot; I ventured my life and for- " tune with the firſt, and I have ever ſince acted conſequentially to my prin- " ciple. It's true, I was never a good courtier under any reign, becauſe I

had

" had a rule for my obedience, and never made obedience my rule; my re-
" putation was never ſtained, nor had I ever any reproach laid upon me,
" ſave when I was brought in, head over ears, in a Scots plot, a plot, very
" well known, deſigned to blaſt the reputation of a ſet of people the beſt
" affected to the ſovereign, and to the true intereſt of their nation, that ever
" Scotland bred. What my opinion was with relation to the ſucceſſion is
" very well known alſo: I looked upon limitations with another eye than
" ſome others were pleaſed to do; I was far from treating them in ridicule;
" becauſe, as all human affairs, they are liable to alterations, and might be
" taken off: that argument proves too much, and conſequently proves no-
" thing at all. Should a man refuſe to have a good eſtate ſettled upon him,
" becauſe he may ſquander it away, and become bankrupt? Muſt a good
" law be refuſed, becauſe it may afterwards be repealed? No, my Lord.
" Where the power is lodged in ourſelves, we have all human ſecurity ima-
" ginable for the thing; it is not ſo, where the power is lodged in others:
" therefore I ſhall alwiſe chuſe that ſecurity which depends upon myſelf,
" preferable to any other.

" This, my Lord, hath confirmed me, that limitations of our own ma-
" king is the beſt ſecurity; though I alwiſe thought them not the full of
" what we merited for the going into the Engliſh ſucceſſion. For conſidering
" the injuries that we have received from them, we ought to have repara-
" tion upon this emergent: and I think, without incorporating with them,
" they might have given us ſome ſmall encouragement in our trade with
" them, which would have been profitable unto us, and no manner of way
" prejudicial unto them, as I can clearly demonſtrate if there be occaſion
" for it. But ſince this is not the proper place nor ſeaſon for ſuch propoſals,
" I ſhall go in with the propoſal made by the Marquis of Annandale, and
" fortified by his Grace the Duke of Hamilton; becauſe I think it is the
" beſt that we can make of it at this time, the fitteſt meaſure to prevent
" civil wars, allay the ferment of the nation, and far preferable to this in-
" corporating Union, which, as to us, in all its clauſes appears to be moſt
" unreaſonable."

This was a politic ſpeech; there appeared ſome ill nature in it, and a great deal of ſatire upon the Union, but that was the temper of the times, and muſt be paſſed over on that account; nor ſhall I ſay any thing to it here; the noble perſon that made it acquieſced in the Union freely enough when it it was made, as ſhall appear in its place.

But I cannot paſs it over, without obſerving, that this ſpeech gives light into ſeveral things; firſt, it gives a hint at the ſuggeſtion that had been made

of

of the Duke of Hamilton's aiming at his own title in all his former oppoſition made againſt the ſucceſſion, as well formerly as now, and clears that noble perſon from all ſuppoſition of ſuch a thing, by his having offered now to come into the ſucceſſion.

Secondly, it gives a true ſight of the genuine reaſon of all this ſudden compliance with the ſucceſſion, a thing which had ſomething very ſurpriſing in it, and which, ſome thought, muſt have preſently carried abundance of people from the other party, the deſign being, as was afterwards publicly owned, if poſſible, to evade the paſſing this article, as a branch of the Union. The caſe was, they were content with the ſucceſſion, as an act of the Parliament of Scotland, ſettled and eſtabliſhed in the form neceſſary in that caſe: but they would not have the ſucceſſion brought upon them as the conſequence of the Union.

And at laſt, they had this at the bottom of it all, That if the ſucceſſion had been taken, as it was now offered, it muſt have been taken inſtead of the Union, and that had anſwered the preſent occaſion, viz. Diverting the grand affair of the Union.

But they met with a double diſappointment in this; firſt, as to offering the ſucceſſion inſtead of the Union, they came too late, ſince the party who were for the ſucceſſion formerly with limitations, were now come into the Union, as the beſt ſcheme of limitations they could ever hope to attain, and would not go back, finding the Union a better ſcheme of limitation than their own, becauſe it entitled them to all the limitations already ſettled in England, which they could not but allow were more and better than any they had propoſed in Scotland, or than indeed they could expect to obtain.

Secondly, they were diſappointed in the way, for the Jacobites, who held with them before in oppoſing the Union, broke with them here, ſince they found themſelves abandoned by them in the main article for which they oppoſed the Union, viz. The tranſpoſing the Crown, as they called it, from the ſon of the late King James; and if they were obliged to quit the article of the ſucceſſion, the reſt was indifferent to them.

And therefore you find the proteſt at the end of the vote of this day was directly againſt the Union, though it was put in the uſual form, of the former article of limitations; ſo theſe things did but increaſe the diviſion, and weaken the party that oppoſed the Union, and by that means gave the more room for thoſe who were for the Union to carry it; and thus the ſecond article paſſed, which concluded the ſettlement of the Proteſtant ſucceſſion. And it was to be obſerved, that the ſettling this article was very ſatisfactory to abundance of people, who were otherwiſe not very well reconciled to the

treaty, and gave a handle to the friends of the Union, to bring ſome people to a clearer ſight of their intereſt, ſince they might ſee the Union was the readieſt way, and perhaps the only way, to obtain the Proteſtant ſucceſſion, and to ſecure it upon the firmeſt foundation, and on the beſt limitations, a thing which had been long wiſhed, and very much ſtruggled for before.

MINUTE XXII.

Monday, November 18, 1706.

Prayers ſaid.

Rolls called.

Then the following addreſſes were given in and read, viz. Addreſs of barons, freeholders, and others within the ſtewartry of Kirkcudbright, ſubſcribing the ſame; addreſs of heretors and houſeholders of the paroch of Crawford, ſubſcribers of the ſame, addreſs of heretors and houſholders of the paroch of Crawford-John, ſubſcribing the ſame; addreſs of the magiſtrates, dean of guild, theſaurer, guild council, deacons of trades, members of the town council of the burgh of Couper in Fife and others, gildry, trades, and burgeſſes of the ſaid burgh, ſubſcribers of the ſame; addreſs of the Preſbytery of Lanerk, ſubſcribing the ſame; and an addreſs of heretors, elders, and maſters of families in the town and out-paroch of Lanerk, ſubſcribers of the ſame: all againſt an Union with England, in the terms of the articles.

Thereafter the third article of Union was again read.

Whereupon it was moved, " That the agreeing to the third article of the " treaty, in relation to the Parliament of Great Britain, ſhall not be binding, " or have any effect, unleſs terms and conditions of an Union of the two " kingdoms, and particularly the conſtitution of the ſaid Parliament, be finally " adjuſted and concluded, and an act paſs thereupon in this preſent Parliament, and that the ſaid terms and conditions be alſo agreed to, and ratified " by an act of the Parliament of England, the conſtitution of the ſaid Par- " liament of Great Britain being left entire, until the Parliament come upon " the twenty-ſecond article."

Moved alſo, " To proceed to the conſideration of the fourth and other ar- " ticles of Union before the third."

And after ſome reaſoning thereupon, it was put to the vote, " Proceed to " the conſideration of the third article in the terms of the above motion re- " lating thereto, or proceed to the fourth article;" and it carried, " Proceed " to the third."

And accordingly the Parliament proceeded to the conſideration of the third article; and after long debate thereupon, a vote was ſtated, " Approve of " the third article in the terms of the above motion relating thereto, yea " or not."

But before voting, the Marquis of Annandale gave in a proteſt, upon the foot of his former reſolve preſented to this Houſe, and contained in the minute of the 4th of November inſtant, and craved that the narrative thereof might be prefixed thereto, and which narrative and proteſt is as follows, viz.

" Whereas it evidently appears, ſince the printing, publiſhing, and conſider- " ing of the articles of treaty, now before this Houſe, this nation ſeems gene- " rally averſe to this incorporating union, in the terms now before us, as ſub- " verſive of the ſovereignty, fundamental conſtitution, and Claim of Right " of this kingdom, and as threatening ruin to this church as by law eſtabliſhed.

" And ſince it is plain, that if an Union were agreed to in thoſe terms by this " Parliament, and accepted of by the Parliament of England, it would in no " ſort anſwer the peaceable and friendly ends propoſed by an Union; but would " on the contrair create ſuch diſmal diſtractions and animoſities amongſt our " ſelves, and ſuch jealouſies and miſtakes betwixt us and our neighbours, as " would involve theſe nations into fatal breaches and confuſions.

" Therefore, I do proteſt for my ſelf, and in name of all thoſe who ſhall " adhere to this my proteſtation, That an incorporating Union of the Crown " and kingdom of Scotland, with the crown and kingdom of England, and " that both nations ſhall be repreſented by one and the ſame Parliament, " as contained in the articles of the treaty of Union, is contrair to the ho- " nour, intereſt, fundamental laws, and conſtitutions of this kingdom; is a " giving up of the ſovereignty, the birthright of the peers, the rights and " privileges of the barons and boroughs; as is contrair to the Claim of Right, " property, and liberty of the ſubjects, and third act of Her Majeſty's Par- " liament, 1703, by which it is declared high treaſon, in any of the ſubjects " of this kingdom to quarrel, or endeavour by writing, malicious and ad- " viſed ſpeaking, or other open act or deed, to alter or innovate the Claim of " Right, or any article thereof: As alſo, that the ſubjects of this kingdom, " by ſurrendering their Parliaments and ſovereignty, are deprived of all ſecu- " rity, both with reſpect to ſuch rights as are by the intended treaty ſtipu- " lated and agreed, and with reſpect to ſuch other rights both eccleſiaſtic and " civil, as are by the ſame treaty pretended to be reſerved to them. And there-

" therefore, I do proteſt, that this ſhall not prejudge the being of future " Scots parliaments and conventions within the kingdom of Scotland, at no " time coming."

After reading whereof, he took inſtruments thereupon, and it was agreed, that, at calling the Rolls, the adherers to the above proteſt ſhould be ſo marked; and alſo, that the hail members be marked as they ſhall vote, " Approve or not;" and that a liſt of their names, as they ſhall vote pro or con, ſhall be printed. And the Lord Chancellor was allowed to have his name printed and recorded as an approver.

Then the vote was put, " Approve of the third article in the terms of the " motion relating thereto or not," and it carried, " Approve."

And the Dukes of Hamilton and Athole, the Earls of Errol, Mariſchal, Strathmore, and Selkirk; the Viſcounts of Stormount, and Kilſyth; the Lords Saltoun, Semple, Oliphant, Balmerino, Blantyre, Bargany, Beilhaven, Colvil, and Kinnaird; George Lockhart, of Carnwath; Sir Jamas Foulis, of Collingtoun; Sir John Lauder, of Fountain-hall; Andrew Fletcher, of Saltoun; Sir Robert Sinclair of Longformacus; Mr. Alexander Ferguſon, of Iſle; John Briſbain, younger, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; James Grahame, of Bucklyvie; Robert Rollo, of Powhouſe; John Murray, of Strowan; James More, of Stonywood; John Forbes, of Culloden; David Beaton, of Balfour; Major Henry Balfour, of Dunboog; Mr. Thomas Hope, of Rankeilor; Mr. Patrick Lyon, of Auchterhouſe; Mr. James Carnegie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Alexander M'Ghie, of Palgowan; Mr. George Mackenzie, of Inchcoulter; Alexander Robertſon, Walter Stuart, Alexander Watſon, Alexander Edgar, James Oſwald, Francis Molliſon, Robert Scot, Robert Kellie, John Hutchiſon, Archibald Shiells, Mr. John Lyon, Mr. John Carruthers, George Home, John Baine, and Mr. Robert Frazer, adhered to the proteſt given in by the Marquis of Annandale.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXII.

The Parliament were all this while debating the generals of the treaty, and therefore the debates were alſo in general. The work of this day was not at all debating what number of members ſhould be the proportion of the Parliament, or how, or in what manner they ſhould be choſen, and the like; but whether Britain, as now to be united, ſhould be repreſented by one and the ſame Parliament, yea or no.

The debates were very long upon this head; and, as in other caſes, it had for ſome days taken up part of their time in reading the long addreſſes

of ſhires, burghs, and pariſhes, againſt the Union; ſo, on this day, there were ſome very particular ones reſerved, and which ſeemed to be calculated for the day, in which, according to the popular arguments of the time, the Union was called a ſurrendering the ſovereignty of Scotland to the Engliſh.

I could never indeed ſee any ſchemes offered, or learn that there was any ſuch propoſal, in what manner thoſe that were for reſerving the Parliament of Scotland, would have formed two ſeparate Parliaments in an united kingdom; ſo that the debates of this day were not of what ſhould be, but of what ſhould not be; and the uniting the Parliament was objected againſt, but without offering an alternative of what they would have in the room of it.

The principal arguments made uſe of in this day's debate were;

1. That uniting the Parliament, was actually giving up the conſtitution of Scotland.

2. That it was ſubjecting Scotland to England.

3. That it was dangerous to the church of Scotland, whoſe government was to be ſubjected to a Parliament of epiſcopal members.

4. That it was contrary to the national oath or covenant.

It is not my deſign to make arguments of my own in order to anſwer them; or to make this hiſtory a diſpute inſtead of a relation of facts: but there having been ſuch loud clamours againſt the Union in general, and ſuch violent ſtruggles againſt it in Parliament, it may not be inconſiſtent with an hiſtory, to relate the foundation, on either ſide, which they acted upon; and as much of the argument on both ſides, either within the Houſe or without, as is uſeful to let the reader into a true underſtanding of the tranſactions of this critical time; and for this reaſon, I have divided this part into the minutes and obſervations; the one is perfectly hiſtorical, the other explanatory of the particulars; and I hope I need make no more apology for the method.

1. It was alledged, that this conjunction of Parliaments was a giving up the conſtitution; or, as it was frequently worded in their printed addreſſes, ſurrendering the ſovereignty and independency of Scotland.

It was anſwered, This was from a defect in the common acceptation of the word Union, as it was now treating of, and of its full extent, of the Unions being general and univerſal; in which it was alledged, that the Union now treating of was, in the utmoſt poſſible meaning of the word, comprehenſive of every good to both; excluſive of all manner of preference or deſparity of parts; abhorring all things injurious or diminiſhing to either;

a full

a full coalition; a general incorporation of nations, of intereſts, of power, and of ſafety: a ſameneſs of circumſtances and of ſympathies; becoming one and the ſame body, with one and the ſame head, life, ſoul, nutriment, point, and period; an Union of the very ſoul of the nation; all its conſtitution, cuſtoms, trade, and manners, muſt be blended together, digeſted and concocted for the mutual, united, undiſtinguiſhed good, growth, and health of the one whole united body; and that all the ſuggeſtions of ſubjecting or ſurrendering one part to another, were owing to the want of a right conception both of the terms and of the thing deſigned by the term Union.

It was urged farther, That this extended ſignification of the Union, excluded all poſſibility of a ſeparation of intereſts, or claſhing of properties; and that mutual protection, mutual increaſe, mutual improvements, were the conſequences to be expected; not from this or that circumſtance, policy, or management, but from the nature of the thing.

One may be ſure theſe things were warmly argued within doors, when without, the people were in the utmoſt fermentation, and the whole nation ſeemed in an agony; the enemies of the Union went about bemoaning Scotland, and ſighing as they called it, for the dying conſtitution; and a noble Lord within, ſtanding up to make a ſpeech on this occaſion, being ſtopped by the order of the day, ſaid, mournfully, it was hard he could not be allowed to ſpeak one word for his dying country. Theſe, and the like ſpeeches had put people in the laſt degree of concern.

The capital arguments made uſe of on this occaſion, and made popular againſt uniting the Parliaments, were ſuch as theſe:

1. That whatever agreement is now concluded between the two kingdoms, will never be binding to the new Parliament.

2. That the two kingdoms effectually ſubject themſelves to the new Parliament, all the conditions ſtipulated on either ſide to the contrary in any wiſe notwithſtanding.

To this it was anſwered, That the Britiſh Parliament were abſolutely bound up by the ſtipulations of this treaty; that they being a ſubſequent power to the two reſpective Parliaments of either kingdom, had no other or farther power to act than was limited them by the ſtipulations of both kingdoms. That all ſubſequent power is inferior in its extent to the power which it derives from. That the Parliament of Britain, being the creature of the Union, formed by expreſs ſtipulations between the two ſeparate Parliaments of England and Scotland, cannot but be unalterably bound by the conditions ſo ſtipulated, and upon which it received its being, name,

and authority. The foundation of a Britiſh Parliament is this treaty; to ſay they will not be bound by it, is to ſay, they will pull themſelves up by the roots; they die when the Union receives any mortal wound; they cannot infringe one article of the Union; they cannot put a queſtion in the Houſe upon any one article.

As to the objection, That there was a ſurrender of ſovereignty and conſtitution, and delivering Scotland, bound hand and foot, into the abſolute diſpoſal of the Engliſh,

This was anſwered by way of queſtion and anſwer, among other things, thus:

" Q. *What is it conſtitutes the Parliament of* Britain?

" A. *The Union.* Let any man give another anſwer to it if he can.

" Q. *How is it conſtituted?*

" A. By treaty between two nations, by their heads and repreſentatives, " viz. the Queen and Parliament of each kingdom.

" Q. *How do they bring it to paſs?*

" A. By mutual altering their reſpective conſtitutions, and forming one " general conſtitution upon a treaty of equalities and equivalents, the ſtipu- " lations of which treaty are agreed to by the conſtituent parts of the ſubſe- " quent body.

" Q. *Upon what right doth the preſent reſpective Parliaments depend?*

" A. The natural right of the freeholders of both kingdoms, which in- " titles them, by the poſſeſſion of their lands, to have the free exerciſe and " power of making the laws by which they are to be governed.

" Q. *Does this new conſtitution deſtroy that right?*

" A. Not at all; but reſerving that right, which indeed it cannot deſtroy, " agrees to limit the exerciſe of it by ſuch and ſuch forms, and on ſuch and " ſuch conditions; which conditions are the limitations of the power of the " new Parliament, as being the act and deed of the old Parliaments, whoſe " conſtitution was founded on original right."

The next popular argument, and which took up much of the debates of this day, was, " That the Parliament had not a power to go into this Union?" Or, as it was worded in the public addreſſes, " That it is not in the power " of the Scots government to conclude ſuch an Union, without a manifeſt " violation of truſt, and without doing a manifeſt act of injuſtice, oppreſſion, " and uſurpation, againſt the fundamental rights and liberties of this free " kingdom:" and this was the ſubſtance of moſt of the addreſſes preſented to the Parliament.

This

This was anſwered by inquiring into the right Parliaments had to leſſen, enlarge, or limit the repreſentative; of which, when the number of members comes to be treated of.

The laſt argument, and which indeed was made more uſe of without doors than within, was the danger to the church government of Scotland, by the uniting the repreſentative; in which it was argued,

1. That the Britiſh Parliament being chiefly compoſed of perſons of another communion, might, whenever they pleaſed, by a majority of votes, overpowering the Scots, overthrow their church, introduce epiſcopacy, and reduce the Preſbyterians to a toleration, or perhaps worſe.

2. That there being twenty-ſix Engliſh Biſhops ſitting in the Houſe of Peers, and who were by this treaty to continue ſitting there; this was ſubjecting Scotland, in all its future laws, to the ſuffrage of Biſhops; and by conſenting to the treaty in which they were eſtabliſhed, it was recognizing and eſtabliſhing epiſcopacy, which was to involve the kingdom of Scotland in national perjury; they being obliged by the national Covenant, never to ſubject themſelves to epiſcopacy, but to their power to reform the churches of both kingdoms.

Theſe ſuggeſtions, indeed, had but too much ſucceſs abroad, and were the principal ſubject of the ſeveral addreſſes, ſome of which the reader may ſee in the appendix, as a ſample of the reſt.

The arguments had their particular anſwers, too long to inſert here, and are touched in another part of this work; the general anſwer is contained in the former paragraphs, viz. the obligation of the future Parliament to the exact obſervation of the treaty, in which the ſecurity of the church of Scotland was particularly provided for, and left unalterable for ever: a ſecurity ſo firm as the church of Scotland never enjoyed before from any civil government or human authority in the world.

As to the objection about the covenant, it was indeed mentioned in moſt of the addreſſes; but it was never mentioned in Parliament at all, or at leaſt, not ſo as to come to any debate, or to put any queſtion upon it; and therefore I refer it to its proper place.

There were ſeveral long ſpeeches made on this article, ſome to ſhew, that it was not in their power to vote upon it at all, without conſulting conſtituents; that the Parliament was a fundamental of government, and could not be ſo much as altered, much leſs given up; and that this treaty was an entire ſurrender of the conſtitution. It would take up too much room in this work to repeat all the arguments brought on this head, or to inſert the ſpeeches that were made, much more to collect the arguments brought by

way of anſwer; but as the following ſpeech was made on this day, and ſeems to be a full anſwer to the main of theſe objections, I could not omit it, as it was ſpoken by a gentleman eminently concerned, both in the preſent debate and in the treaty at London.

A Speech in Parliament ſpoken by Mr. *Seton*, junior, of Pitmedden, November 18, 1706, upon the ſubject of the third article, then being in debate in the Houſe.

" My Lord Chancellor,

" Having heard with much attention the third article debated, I find it " liable, with the other articles of this treaty, to be put in a falſe or true " light by the ſpeakers to it, in proportion to thoſe notions they have of " the nature of this Union: what I am to ſay concerning it, ſhall be to re- " move ſome objections, which, in my opinion, is the proper method to " ſmooth the way for approving it.

" The principal objections are, That the repreſentatives for ſhires and " burghs cannot legally approve this article, without the aſſent of their " conſtituents; and that by the approbation of it, the ſovereignty and in- " depency of this kingdom will be ſurrendered to England.

" My Lord, to give a diſtinct and convincing anſwer to the firſt objec- " tion, let us look a little to the nature of our conſtitution of government.

" Our government is not a Poliſh ariſtocracy, founded on *pacta conventa*, " whereby all the gentry are empowered in their particular meetings, to " preſcribe rules to their repreſentatives in a general Dyet.

" Our government is not a common democracy, whereby every ſubject " of Scotland may claim a vote in the Legiſlature.

" Our government is, and has been many ages paſt, a limited monarchy, " wherein the ſovereign and repreſentative are the only judges of every " thing which does contribute to the happineſs of the body politic, and " from whom no appeal can legally be made; and this deſcription is agree- " able to reaſon, to our law, and to our hiſtory.

" Reaſon teaches us, that anarchy is deſtructive to mankind, and that no " ſociety of people can be well governed without a ſupreme power, whoſe " proceedings are only alterable by itſelf; Grotius ſays, (Lib. 1. Cap. 3. " Sect. 7.) ' that we call the ſupreme power, whoſe acts are not ſubject t " ' the power of another.

" Our

" Our law is poſitive, that this ſupreme court is ſubject to no human " authority, Act 130. P. 8. J. 6.; and we learn from our hiſtory, that the " greateſt alterations have been made in the conſtitution of our government, " without conſulting the people; out of which I humbly offer a few ex- " amples: In the reign of Kenneth the Third, the monarchy that originally " was elective, became hereditary; in the reign of James the Sixth, the re- " preſentation of the clergy in Parliament was reſtored: In the reign of " Charles the Second, the prerogative was exalted above its natural level; " and in the year 1688, the King was dethroned, and the clergy expelled " this Houſe.

" My Lord, I have heard aſſerted, that there are fundamentals of govern- " ment which cannot be altered by this Houſe, without the conſent of every " Scotſman; but where were theſe ſtipulated? where are they recorded? " were theſe made by our foreſathers at the firſt inſtitution of their govern- " ment, and have all ſucceeding Parliaments ſworn to their obſervance? " Theſe queſtions, methinks, deſerve our conſideration, before it be aſſerted " what is an unalterable fundamental by this Houſe.

" As to the arguments of Sir George Mackenzie, and other eminent " lawyers, brought upon the ſtage to ſupport this notion of fundamentals, I " think they require no particular anſwer, becauſe any member who under- " ſtands the nature of government may ſee clearly, that theſe arguments are " founded on Roman laws, calculated for people as members of private " ſocieties, and not for perpetual rules to the ſupreme power of any " nation.

" In fine, I believe there are no fundamentals of government in any " nation, which are not alterable by its ſupreme power, when the circum- " ſtances of times require; and whoever is acquainted with hiſtory, may " learn, that there are no people at preſent in Europe, which in different " ages have not ſuffered variety of changes in government. I do, indeed, " acknowledge, there are fundamentals in nature, to wit, liberty and pro- " perty, which this Houſe can never deſtroy, without exceeding its utmoſt " bounds of power, that are always limited to the public good; neverthe- " leſs, this honourable Houſe is only capable to judge of the moſt proper " means of ſecuring theſe fundamentals: and for my part, I ſincerely " believe that no judicious man will ſay, there is the leaſt danger of our " liberty and property by an Union of Parliaments, when he reflects that " the people of England have been in all ages noble aſſertors of the rights " of the ſubject; have ſpent much blood and treaſure in defence of the li- " berties of their neighbours, and that after this Union, encroachments on

" the rights of the ſubjects of any part of Great Britain, muſt endanger the " liberty of the whole.

" My Lord, I come now to the next objection, that by the approbation " of this article, we ſurrender the ſovereignty and independency of this " kingdom.

" Theſe words, I acknowledge, are very long, and may ſound harmo- " niouſly in the ears of the populace: for my part, I would be ſorry juſt " now to have occaſion to ſay, that in fact our ſupremacy and independency " were ſurrendered the day King James got poſſeſſion of the Engliſh throne, " if at the ſame time I could not affirm, that theſe are again reſtored to us " by this treaty, which was managed with a decorum and equality that " became two independent and diſtinct nations, and not after ſuch a clan- " deſtine manner as was uſed by Queen Mary and the French, the 4th of " April, 1554, on which day our ſovereignty was indeed ſurrendered, as " may be ſeen in the *Recueil de Traitez*, &c. p. 510.

" But to put this queſtion above controverſy, I conceive two ways only " whereby a free nation loſes its ſovereignty and independency, which are " conqueſt, and a voluntary ſurrender of its rights to another nation, with- " out any reſervation.

" I am ſure no perſon in right judgement will alledge, that this intended " Union is a conqueſt; nor can it be called a ſurrender, ſeeing the treaty " contains certain and diſtinct reſervations to both kingdoms: nor can I " comprehend how either of two nations, by an entire Union, ſurrenders its " privileges: on the contrair, I agree with the learned Grotius (Lib. 2. " Cap. 9. Sect. 9.) whoſe opinion is, that the rights and privileges of two diſ- " tinct nations united, are conſolidated into one, by a mutual communica- " tion of them.

" Another objection, my Lord, has been moved againſt this article, which " belongs more properly to the 22d article, and that's concerning the num- " ber of the repreſentatives from Scotland, to a Parliament of Great Britain. " This objection I'll endeavour to anſwer in as few words as the nature of it " will allow.

" If both nations are to be repreſented by one Parliament, there muſt be " members from both nations, and their numbers muſt be adjuſted by ſome " rule, which can be no other than that fundamental in the Union of all " ſocieties, whereby ſuffrages are computed, to wit, the proportion each " ſociety contributes for the ſupport of the whole. Now, the Union of " Scotland and England is but the union of two great ſocieties of people into " one body politic: ſo that we have nothing to direct our forming a true

" notion

" notion about the number of the repreſentative agreed to by this treaty on
" the part of Scotland, but the proportion we are able to contribute for
" the ſupport of the government of Great Britain; and that has reſpect to
" the numbers of our people; to the extent of our taxes; or to an arith-
" metical proportion betwixt theſe and thoſe of England: all which be-
" ing duly conſidered, I may be bold to affirm, that the repreſenta-
" tive agreed to by the Commiſſioners for Scotland, is more than falls to
" our ſhare.

" Several authors who have wrote about the nature of ſociety, or the
" Union of two or more ſocieties, agree to this fundamental; and Grotius
" (L. 2. C. 5. Sect. 22.) has two examples out of Strabo relating to it.
" One is, when Lybica united with three neigbouring cities, it was ſtipu-
" lated, that each of the three was to have one voice, but Lybica two;
" becauſe it contributed much more to the common benefit than any of the
" reſt. The other example is, that there were twenty-three cities in
" Licia united, whereof ſome had three voices, ſome two, and ſome
" but one.

" My Lord, by the repreſentative of ſixteen for the nobility, there is no
" greater hardſhip put upon them, than was put upon the ſmall Barons
" in the reign of King James the Firſt, who then were of the ſame ſtate
" with the nobility, and ſubmitted to the law for conveniency.

" By the repreſentative of forty-five for the Commons, no prejudice is
" done to the State of Barons in reſpect of repreſentation; for, if they be
" repreſented from every ſhire, or at leaſt from the moſt conſiderable ſhires,
" it is of no import, whether every ſhire be repreſented by one or more:
" and as to the ſtate of boroughs, I'll preſume to ſay, that the retrench-
" ment of their repreſentation is a piece of juſtice done to this nation, if
" property or taxes be the rule of repreſentation.

" My Lord, ſo far have I endeavoured to anſwer the material objections
" againſt this article, not out of any proſpect to convince the members
" againſt this Union, as to fortify the judgements of thoſe for it; and I
" wiſh heartily that the conſtituents for ſhires and burghs may have a true
" confidence in their repreſentatives, while they are accompliſhing this
" great and noble work of an union of both kingdoms, eſpecially conſidering,
" that they are bound by oath to give their beſt advices and ſuffrages; that
" they were choſen by themſelves in a free election; that they have their
" families and eſtates among them; that the ſame liberty, property, and re-
" ligion, are common to them both; and that the good or bad conſequences
" of this Union, muſt equally affect repreſentatives and conſtituents."

This ſpeech was received with great ſatisfaction and applauſe, and the arguments in it were ſo clear, eſpecially as to the proportions of the repreſentative, that it was very uſeful when that head came to be debated; and I cannot but ſuppoſe the reader will think his time well beſtowed in reading it, in that he will ſee by it, whether the Union was carried by ſtrength of reaſoning, or, as ſome alledged, crammed down their throats by mere number of voices.

The debates held very long; but at length the queſtion being propoſed, the vote was carried with the uſual proviſo, viz. "That it be of no "force if all be not concluded;" and the diſſenting members proteſted, as you will ſee in the minutes; and ſo this mighty caſe was alſo determined.

MINUTE XXIII.

Tueſday, November 19, 1706.

Prayers ſaid.

Rolls called.

The Lord Chancellor acquainted the Parliament, that laſt night, His Grace, Her Majeſty's High Commiſſioner, in his return to the Palace, was inſulted by a number of people of the meaneſt degree, with ſtones, which was a high affront both to Her Majeſty's High Commiſſioner and to the Parliament; and therefore moved, "That the Parliament may give the neceſſary orders, not "only to find out ſuch as have been guilty as actors or abettors therein, but "to prevent the like in time coming:" and after ſome reaſoning on the ſaid repreſentation and motion,

It was agreed, to remit to the Committee nominate for examining the calculation of the equivalent, to inquire into the matter of this inſult: and to endeavour to find out the actors and abettors, if any be; with power to the ſaid Committee to promiſe indemnities and rewards for diſcoveries; and to ſeize and impriſon any perſon whom they ſhall have ground to ſuſpect to be guilty, as actors or abettors; and to call for the magiſtrates and neighbours of Edinburgh for information, and to report to the Parliament what information and diſcovery they ſhall make of the ſaid inſult, or of any former. As alſo, to report their opinion, what meaſures may be proper for preventing the like in time coming: and the Committee appointed to meet the firſt interval day of Parliament at nine o'clock.

The

The Parliament did likewiſe recommend to the Lord High Conſtable, to proſecute forthwith thoſe perſons who were impriſoned on account of a former tumult; and ordained the magiſtrates of Edinburgh to furniſh what probation they can, to the Fiſcal of the Conſtable's Court, againſt ſuch as were ſo impriſoned.

Addreſs of the baillies, counſellors, and citizens of St. Andrews, ſubſcribers of the ſame, againſt an Union with England in the terms of the articles, given in and read.

Thereafter it was moved, "That the Parliament proceed to the fourth "article of Union."

Moved alſo, "That, before proceeding to the conſideration of the fourth "article, a clauſe be added to the third article in thir terms; 'And that the "'ſaid Parliament of Great Britain ſhall meet and ſit once in three years at "'leaſt, in that part of Great Britain now called Scotland."

And after ſome debate thereupon, the conſideration of the ſaid additional clauſe delayed till the Parliament come to the twenty-ſecond article.

Then the fourth article of Union was read, and after ſome diſcourſe thereupon, the farther conſideration thereof was delayed till the next *ſederunt* of Parliament, and the conſideration thereof to be then reſumed previous to all other buſineſs.

Adjourned till Thurſday next at ten o'clock.

OBSERVATION XXIII.

The affairs of tumult and clamour from the ſtreet I have related in its proper place; yet, as far as it came to be conſidered in Parliament, I muſt take notice of it here, but ſhall be the briefer, referring to what is ſaid elſewhere.

The firſt rabble had been cruſhed for ſome time, as has been obſerved already, and the vigilance of the government had ſecured the Parliament hitherto; but the inveterate fury of the poor ignorant people, impoſed upon by the popular arguments of the times, and theſe enlarged upon by various pamphlets and ſpeeches againſt the Union, which were ſpread amongſt them, was very hard to be reſtrained.

The Duke of Queenſberry, the Queen's High Commiſſioner, received divers affronts in his going to and from the Parliament, though His Grace did not think it worth his while to trouble the Parliament with it while it was any thing tolerable; but it was now grown to ſuch a height, that not only the Commiſſioner's life was in danger, but the public peace ſeemed

manifeſtly aimed at, and it was very neceſſary to put a check to ſuch inſults, leſt the whole might be endangered.

The High Commiſſioner had received ſeveral private intimations of deſigns to aſſaſſinate him; and ſeveral letters, ſome abuſive and threatening, others pretending to give him caution to preſerve his perſon; others directly pretending to inform him of the deſigns, the time when, manner how, and the weapons by which he was to be murdered. Whether theſe were real deſigns, or only attempts to amuſe, and perhaps diſcourage His Grace in the diſcharge of his duty in ſo weighty a work, was, I believe, never certainly known: but, whoever will calmly conſider the temper of the people at that time, how inflamed by the artifice of a party, and how frequently they ſhewed their readineſs to have undertaken any thing, though never ſo deſperate, to have broken off this affair, will wonder, that no agent of Satan was found hardened enough to have committed that, or any like ſort of villany.

Nor did it ſeem that there was any thing wanting but the mere courage to venture their lives in ſuch a bloody action; ſince, in the occaſion which was now brought before the Houſe, it appeared there were ſtones thrown at the Commiſſioner's coach from the tops of houſes, ſufficient to have murdered him, if Providence had not more eſpecially protected both his perſon and the affair in hand; which, had any ſuch villany been perpetrated, would, moſt certainly have all been loſt in the confuſion that muſt inevitably have followed.

For the reader's particular information of the temper and humour of the People at that time, ſome of the threatening letters ſent to His Grace the High Commiſſioner, are printed in the Appendix, N. G. xx. faithfully tranſcribed from the originals.

As to the manner of the preſent inſult offered the Commiſſioner, it was thus; opportunity was taken upon the length of the debates that day, which keeping the Houſe late, and the Lord Commiſſioner being to paſs the ſtreets in the night, the whole length of the city, from the Parliament Houſe to the Palace, the mob took the opportunity of the darkneſs, a time proper for ſuch villanies; firſt they affronted the guards, and followed them with curſes and opprobrious words, and their numbers increaſing as they went on, they began to throw ſtones at them, which occaſioned ſome little diſorder among the horſes, and this at laſt increaſed to the throwing ſtones at the Commiſſioner himſelf, one of which narrowly miſſed his perſon.

The coachman and poſtilion, whether frighted themſelves, or that the horſes were unruly, drove a little faſter than uſual down the ſtreet, which put

put the guards to a full trot, and that heartening the rabble, as if the guards had fled from them, they ſhouted, and continued purſuing them with dirt, ſtones and ſuch ſort of violence, till they came to the palace, where the foot guards received them and kept off the croud.

Every body will allow, that conſiders theſe circumſtances, which I was an eye witneſs to, that it was time to put a ſtop to this violence, and to reſtrain a headſtrong multitude, thus made bold and furious, leſt they ſhould, as in ſuch caſes is not uncommon, run on to more violent extremes; and therefore, the Lord Commiſſioner ordered the Lord Chancellor to repreſent it to the Houſe, as in the vote.

The motion for the Parliament ſitting once in three years was needleſs, for that indeed it was ſettled in the twenty-ſecond article for the firſt Parliament, and eſtabliſhed in England by other laws made there, which were to continue in force by the treaty.

MINUTE XXIV.

Thurſday, November 21, 1706.

Prayers ſaid.

Rolls called.

Addreſs of heretors, burgeſſes, miniſter, and other inhabitants, in the town of Paiſley, ſubſcribers of the ſame, againſt an Union with England, in the terms of the articles, given in and read.

The fourth article of Union again read.

Whereupon it was moved, " To take the ſeveral branches of trade, to be " communicate, into conſideration, that it may thereby appear how far the " communication of trade ſhall be advantageous;" and after reaſoning thereupon,

The vote was ſtated, " Approve of the fourth article, reſerving the conſidera- " tion of the ſeveral branches of trade till the Parliament come to the ſubſe- " quent articles, yea or not."

And it was agreed, that the members ſhall be marked as they ſhall vote, approve or not, and that the liſt of their names, as they ſhall vote pro or con, be recorded and printed.

Then the vote was put, " Approve or not," and it carried, " Approve."

Thereafter the fifth article of Union was read; whereupon a propoſal was given in for explaining and enlarging the ſame in theſe terms; " That all " ſhips or veſſels belonging to Her Majeſty's ſubjects of Scotland, at the time " of ratifying the treaty of Union of the two kingdoms in the Parliament of " Scotland, though foreign built, ſhall be deemed and paſs as ſhips of the

" build of Great Britain; the owner, or where there are more owners, one or " more of the owners, within twelve months after the Union, making oath, " that at the time of ratifying the treaty of Union in the Parliament of Scot- " land, the ſame did, in hail, or in part, belong to him or them, or to ſome " other ſubject or ſubjects in Scotland, to be particularly named, with the place " of their reſpective abodes, and that the ſame doth then, at the time of the " ſaid depoſition, wholly belong to him or them, and that no foreigner, di " rectly or indirectly, hath any ſhare, part, or intereſt therein."

Which being read, it was moved, " That ſix months more time be added " to the time allowed by the propoſal for purchaſing ſhips or veſſels;" and after ſome reaſoning thereupon, the farther conſideration thereof was delayed till next *ſederunt* of Parliament, to be then reſumed previous to all other buſineſs.

Adjourned till Saturday next at ten o'clock.

OBSERVATION XXIV.

This article being general, but containing ſeveral particulars, it was judged proper to paſs it in the groſs firſt, with a reſerve for ſuch clauſes and branches of trade as ſhould come into conſideration afterward; for otherwiſe theſe branches of trade would have been foreclоſed, by agreeing to this article in the full extent of the words.

Theſe branches came all to be conſidered in the debating other articles, as particularly when they came to examine the affairs of drawbacks, bounties on exportation, prohibitions, and reſtrictions in trade; the ſeveral cuſtoms, duties, equalities, and proportions of trade; of which in their courſe.

This reſerve, however, made the article itſelf paſs the more readily at this time; for it was the firſt article, after voting the generals, that was branched out into particulars, and therefore the adjourning theſe particulars was the more acceptable.

The debate of the fifth article lay only here; the treaters had debated about the time limited for allowing the ſhips then in the hands of the Scots, to be free ſhips; the Scots Commiſſioners would have had it been the time of ratifying the Union; the Engliſh Commiſſioners inſiſted on it, that it ſhould be the time of ſigning the treaty; and the reaſons were good; that otherwiſe people might buy multitudes of foreign ſhips, and have time to furniſh themſelves, and paſs theſe foreign-built ſhips as free bottoms, in the terms of the Act of Navigation, to the infinite damage of the whole iſland; and this had the more force with it, in that it could not but be allowed, that it was the great advantage of this whole iſland to encourage the building, and conſequently the employing our own ſhips. However, many popular argu-

arguments were uſed to lengthen out the time, ſuch as, that Scotland was not yet in a condition to build, and that this would check her trade, to leave her naked of ſhips till ſhe could furniſh herſelf with materials for building; that for the fiſhing and Eaſt-country trade, it was abſolutely neceſſary to furniſh foreign-built ſhips, till Scotland could build for herſelf.

It was alledged, England could furniſh ſhips; and it was ſo material a thing to encourage the building and increaſe of our own ſhipping, that England would inſiſt upon it, and had reaſon ſo to do.

However, after long debating, it was agreed to lengthen the term to the ratifying the treaty; and this was the firſt alteration made in the articles, but it was referred to the next day.

MINUTE XXV.

Saturday, November 23, 1706.

Prayers ſaid,
Rolls called.

Then the following addreſſes were given in and read, viz. Addreſs of heretors and ſeveral other perſons in the barony paroch of Glaſgow, ſubſcribers of the ſame; addreſs of heretors, magiſtrates, town council, and other inhabitants within the town and paroch of Culroſs, in Perthſhire; and heretors, elders, and other inhabitants within the parochines of Saline, Carnock, and Torie, in Fifeſhire, ſubſcribing the ſame; addreſs of the provoſt, baillies, town council, and other inhabitants of the burgh of Stirling, ſubſcribing the ſame; addreſs of barons, freeholders, and others, within the Stewartry of Annandale, ſubſcribing the ſame; and addreſs of the magiſtrates, town council, guild brethren, deacons, of crafts, and other burgeſſes, tradeſmen, and inhabitants within the burgh of Innerkeithing, ſubſcribers of the ſame: all againſt an Union with England in the terms of the articles.

Thereafter the fifth article of Union was again read, with the propoſal for amending, explaining, and enlarging the ſame, inſert in the former day's minutes, and altered thus, viz. That all ſhips or veſſels, belonging to Her Majeſty's ſubjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms, in the Parliament of Scotland, though foreign built, be deemed, and paſs as ſhips of the build of Great Britain; the owner, or where there are more owners, one or more of the owners, within twelve months after the firſt day of May next, making oath, that at the time of ratifying the treaty of Union in the Parliament of Scotland, the ſame did, in hail or in part, belong to him or them, or to ſome other ſubject or ſubjects of Scotland, to be particularly named, with the place of their reſpective abodes; and that the ſame doth then, at the time of the ſaid depoſition, wholly belong to him or

them, and that no foreigner, directly or indirectly, hath any ſhare, part, or intereſt therein.

And after ſome reaſoning thereon, there was a ſecond propoſal given in for the amending the article in theſe terms: That all ſhips and veſſels belonging to Her Majeſty's ſubjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms, in the Parliaments of both kingdoms.

And after ſome debate the vote was ſtated, "Approve of the firſt paragraph "of the fifth article with the firſt amendment or ſecond;" and it carried, "Approve with the firſt amendment."

Thereafter the reſt of the ſaid fifth article of Union was read, and a propoſal given in for adding a clauſe in theſe terms: That for the ſpace of ſeven years from and after the concluding the treaty of Union in both kingdoms, it is expreſſly agreed, that none of the ſeamen or mariners aboard any of the ſhips belonging to the ſubjects of that part of United Britain, now called Scotland, ſhall either at home or abroad be preſſed from aboard their ſaid ſhips, to ſerve in any of Her Majeſty's ſhips of war or frigots; and in caſe after the ſaid ſeven years, it ſhall happen that there be a levy of ſeamen in United Britain, for ſerving in the Britiſh fleet, that the ſaid part of United Britain, now called Scotland, ſhall only be burdened with ſuch a proportion as our taxes bear, in proportion to that part of United Britain, now called England, but prejudice to the officers of Her Majeſty's ſhips or fleet to engage as many voluntar ſeamen in their ſervice as they can agree with in this part of United Britain; and this article to be unalterable by any ſubſequent Britiſh Parliament.

Which being read, after ſome reaſoning thereupon, it was put to the vote, "Add the ſecond clauſe or not," and it carried "Not."

Thereafter the reſt of the ſaid fifth article being again read, the vote was put, "Approve thereof or not," and it carried, "Approve."

Adjourned till Tueſday next, at ten o'clock.

OBSERVATION XXV.

The debate about the admitting the Scots ſhips as free bottoms, was now re-aſſumed, and the time limited for the properties to be made out, was altered from the time of ſigning the articles to the time of ratifying the treaty.

The preſent diſpute was, whether it ſhould be the time of ratifying the treaty in Scotland, or the ratification in both kingdoms. This article was diſputed by inches, and ſome thought there was more nicety uſed here than was of any ſignification; and that therefore it ſeemed the effect of a general ſtruggle againſt the Union, where every thing was laid hold of that either might bring on ſome alteration they thought England could not comply with,

or that at leaſt might but cauſe a diſpute in England; or that might ſo gain time as to avoid having the thing compleated in the then ſitting of Parliament.

It was well known the Engliſh would be very tender of their act of navigation, which is the ſecurity of their trade, and the main encourager of their ſhipping; and the longer this liberty of purchaſing ſhips from the Dutch was extended, the more room there would be for exceptions in England, their trade being the more expoſed to the bringing in foreign bottoms among them.

And if it be true, as I have ſeen a minute made of it in writing, that the party had prepared ſchemes of objections to be offered in the Parliament of England, againſt the very alterations which they themſelves had procured to be made in Scotland; if this be true, it will abundantly juſtify the general ſuppoſition I have ſo often hinted at, viz. that theſe objections were rather calculated to delay the treaty, and overthrow the Union itſelf, than from any particular regard had to the reaſon and nature of the thing objected.

Nothing elſe could be the occaſion of ſuch ſtrong ſtruggles for things in themſelves not of any great advantage to Scotland, as in this caſe of the ſhips, of which it may be noted, that after that matter was ſettled, it was hardly known that one ſhip was bought either in Scotland or England, with the deſign of making it free as was ſuggeſted.

However, after long debate, the middle courſe was taken, and the time was extended from the time of ſigning the articles as it was agreed in London, to the time of ratification in the Parliament of Scotland, but not to the time of ratification in both Parliaments, as was propoſed.

The laſt propoſal againſt preſſing of ſeamen, was a manifeſt attempt of the kind above mentioned, and a ſeeking an occaſion to interrupt the main treaty; ſince nobody could imagine that ſuch a clauſe could have paſſed in England, all their own ſeamen having been liable to be preſſed into the ſervice of the navy; and both nations being to enjoy equal privileges, this had been put to ſuch a diſadvantage, and ſuch inequalities upon the Engliſh, as would have made juſt complaints in England, and have been a ſufficient obſtacle to the whole, eſpecially when it was remembered, that in Scotland, there was no want of ſeamen, but that, on the contrary, many thouſands of their ſeamen, for want of employment, entered themſelves on board the men of war in foreign ſervice, with the Danes, Swedes, and Hollanders; and it would be hard, that they ſhould ſeek a liberty from the Engliſh ſervice, which would now be their own; and at the ſame time, for want of buſineſs, ſeek ſervice among foreigners; it being alledged, that at this time, there

were 16,000 Scots ſailors in the Dutch ſervice; this was ſo plain a caſe, that the propoſal was rejected, and the article paſſed with only the firſt amendment.

And this was the ſecond alteration in the articles of the Union.

MINUTE XXVI.

Tueſday, November 26, 1706.

Prayers ſaid.

Rolls called.

Then the following addreſſes were given in and read, viz. Addreſs of barons, freeholders, and others within the ſheriffdom of Roxburgh, ſubſcribers of the ſame; addreſs of the magiſtrates, town council, and other inhabitants of the burgh of Annan, ſubſcribing the ſame; addreſs of the magiſtrates, town council, and others, inhabitants of the burgh of Lochmabben, ſubſcribers of the ſame; and an addreſs of the paroch of Leſmahago, ſubſcribers of the ſame; all againſt an Union with England in the terms of the articles.

Thereafter an overture for an act for encouraging the exportation of victual, read, and ordered to be printed.

As alſo, another overture for an act for encouraging the export of victual, fiſhes, beef, and pork, was given in, and ordered to be printed.

Thereafter, a petition and draught of an act in favours of the burgh of Dundee, for an impoſition of two pennies Scots, upon the pint of all ale and beer, brown and vended within the bounds, and for the ends therein mentioned, both read, and a firſt reading ordered to be marked on the act.

As alſo, a petition of the magiſtrates, town council, and community of the burgh of Aberdeen, and a draught of an act in their favours, for continuing an impoſition on wine and ale, granted to them by a former act, read, and a firſt reading ordered to be marked on the act.

As alſo, the following draughts of acts were given in and read, viz. Act in favours of the burgh of Kirkaldie; act in favours of the town of Borrowſtounneſs; act in favours of the burgh of Dyſert; act in favours of the burgh of Burntiſland; act in favours of the burgh of St. Andrews; act in favours of the burgh of Kinghorn; act in favours of the burgh of Elgin; all for an impoſition of two pennies Scots, upon the pint of all ale and beer to be brown and vended within the reſpective bounds, and for the ends therein mentioned, and a firſt reading ordered to be marked upon each of the ſaid acts.

Then

Then the ſixth article of Union was read; and after ſome reaſoning thereon, there was a propoſal given in for adding the following clauſe to the end of the ſixth article, viz. " Except in ſo far as ſhall be rectified by this Parliament, " upon the conſideration of the ſubſequent articles."

Which being read and diſcourſed upon, there was another propoſal given in, for enlarging and explaining the ſaid ſixth article, in theſe terms, viz. " And ſeeing by the laws of England now ſtanding, there are rewards granted " upon the exportation of certain kinds of grain, wherein oats is not ſpeci- " fied, that, from and after the Union, when oats ſhall be at fifteen ſhillings " per quarter, or under, there ſhall be paid two ſhillings and ſix-pence for " every quarter of oatmeal exported in the terms of the laws, whereby re- " wards are granted for exportation of other grains. And in reſpect there is " a duty upon oats imported into England, but no duty upon oatmeal, the " importing of which is a prejudice and diſcouragement to tillage: therefore, " that from and after the Union, the quarter of oatmeal be deemed equal to " three quarters of oats, and pay duty accordingly, when imported to Scot- " land from any place whatever beyond the ſea."

Which being likewiſe read, after ſome farther reaſoning, it was moved, " That the obſervations (in relation to the balance of the trade of this nation) " made by the Council of Trade, ſhould be laid before the Parliament."

And after debate thereupon, the farther conſideration of the ſaid ſixth article and motions was delayed till the next *ſederunt* of Parliament, to be then reſumed previous to all other buſineſs. And ordered, That the obſervations made by the Council of Trade be then laid before the Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXVI.

The ſixth article of courſe began the debates about allowances, drawbacks, prohibitions, and reſtrictions, which, as has been obſerved, were to be equal to all the ſubjects; but Scotland finding ſome difference in the value and frequency of import or export of grain, they found a neceſſity to come into ſome amendments here too. The caſe was thus:

England allowed a bounty to the exporter of corn at all times, when the plenty of grain kept the price under ſuch a ſtated rate; but it was obſerved, there was no bounty on the exportation of oats; the reaſon was, becauſe England rather wanted oats than had them to ſpare, one ſeaſon with another.

On the other hand, Scotland producing vaſt quantities of oats, and having a large trade for the exporting the ſame to Norway, and other parts, the Scots members inſiſted, that a drawback ſhould be allowed on oats and oatmeal exported.

Another caſe alſo required an alteration, and this reſpected Ireland, which bordering on Scotland, could and might eaſily throw in great quantities of oats or oatmeal into Scotland, which being cheap in Ireland, would leſſen the conſumption of the growth of Scotland; there was, it ſeems, a prohibition formerly laid on the importation of oats or oatmeal, but this being taken off by the Union, it was requiſite to make ſome proviſion, where the Engliſh law was defective, which was thus:

The Engliſh had, by act of Parliament, a duty of five ſhillings and ſixpence per quarter laid upon all oats imported, and that they thought was ſufficient; but there being no more duty on oatmeal than on oats, it was alledged, that the Iriſh might import the oatmeal, and afford to pay the duty, ſince it was not above half the value of the duty of oats, the value of the meal reducing the duty.

This, therefore, was provided againſt by this additional clauſe, which doubled the duty upon oatmeal imported, by reckoning every quarter of oatmeal as two quarters of oats.

The acts in favour of the reſpective burghs were in order to continue to them the ſeveral impoſitions on ale and wine cuſtomary in Scotland, or granting them anew, being generally granted for the public uſes of the towns, ſuch as building or maintaining public edifices, harbours, &c.; juſt as has been practiſed in England in the duties on coals, as at London for building the churches, at Yarmouth for their pier; or on ſhips, as at Dover for the repair of their harbour, and the like: and this being the laſt Parliament to ſit in Scotland, if the Union ſucceeded, and all private rights being made perpetual, or to continue to the times they were entailed for, this made the towns the more ſolicitous to have acts paſſed in their favours at this time; the exciſe upon liquors, payable to private hands, indeed was a novelty in England, and ſeemed to be a very odd requeſt at this time, that while, on one hand, they ſhould be pleading, that Scotland could not pay more exciſe on their liquor than they did before, at the ſame time they ſhould, on the other hand, be ſeeking an additional duty to be paid to the burghs; but the duty being ſo ſmall as two pennies Scots, which is but one-ſixteenth of a penny on the pint Scots, which is two quarts Engliſh, it was generally agreed to, and principally becauſe it was not extended all over the kingdom, but only in the few towns, that having public trade to ſupport, and chargeable works to maintain, ſeemed to have extraordinary reaſons to demand it.

MINUTE XXVII.

Wedneſday, November 27, 1706.

Prayers ſaid.

Rolls called.

Addreſs of barons, freeholders and others, within the ſhire of Mid-Lothian, ſubſcribing the ſame, againſt an Union with England in the terms of the articles, given in and read.

The ſixth article of Union again read, and a propoſal given in for adding the word " Drawbacks" to both clauſes of the ſaid article, which was agreed to.

And the ſaid article, as ſo amended, was again read, as alſo the propoſal mentioned in the minutes of the laſt *ſederunt*, in relation to oats and oatmeal, with the addition of a farther clauſe, in theſe terms, " And that the beer of " Scotland have the like rewards and drawbacks as barley."

And it was likeways moved, that another clauſe ſhould be added thereto, allowing the like premium or drawback on the exportation of oatmeal, as is allowed on the exportation of rye in England; and after debate thereupon, it was agreed that the ſixth article, with the propoſal for amendments, ſhould be remitted to a Committee.

Thereafter there was a clauſe offered to be added to the ſaid ſixth article, in theſe terms, viz. " But Scotland, for the ſpace of years after the firſt " day of May next, ſhall be free from, and no ways ſubject to the prohibition " and reſtrictions made againſt exporting of wool, ſkins with wool upon them, " and woollen yarn, which by the oaths of the ſellers and buyers ſhall be made " appear to be the proper growth and product of Scotland, and ſpun within " the ſame, which ſhall no ways he comprehended under any of the laws al- " ready made in England, or to be made during the ſpace aforeſaid."

As alſo, a clauſe in theſe terms, viz. " Excepting and reſerving the duties " upon export and import of ſuch particular commodities from which any " perſons, the ſubjects of either kingdom, are ſpecially liberated and exempted " by their private rights, which, after the Union, are to remain ſafe and en- " tire to them in all reſpects."

And ſicklike, another clauſe in theſe terms, viz. " That after the Union, all " ſorts of Scots lining, or any kind of cloth made of flax or hemp, be exported " out of the united kingdom, free of all cuſtoms or other impoſitions what- " ſomever."

And another in theſe terms, " That before the Union we may have ſuch a " drawback adjuſted as may enable us to export beef and pork and butter to " the Weſt Indies and other foreign parts, which will be a conſiderable branch " of our trade after the Union."

And

And likewiſe another clauſe in theſe terms, " That from and after the Union " all duties or bounty tolls, or other exactions upon black cattle, or any other " product of Scotland, when carried into England, or product of England when " carried into Scotland, payable either to the public or private perſons, ſhall " in all time coming be void and null."

And another clauſe in theſe terms, " That from and after the Union, the " kingdom of Scotland ſhall have liberty for ever to manufacture plaiding, " ſingrams, Galloway-whites, ſerges, ſtockings, and all ſorts of lining, as " they have been in uſe to do, conform to the regulations contained in their " own laws, and to export the ſame to England or dominions and plantations " thereto belonging, or to any other place beyond ſeas, free of any duty or " impoſition whatſomever to be laid thereon; but in caſe any of the ſubjects of " that part of United Britain now called Scotland, ſhall export any other ſort " of woollen manufactory than what is above mentioned, they are to be liable " to the regulations and taxes of England impoſed before the Union, or to be " impoſed by the Britiſh Parliament after the Union."

And it was agreed that all the clauſes above inſert ſhould be likeways remitted to a Committee.

Whereupon it was moved, " That the ſixth article and propoſals, and ad- " ditional clauſes relating thereto, ſhould be remitted to the Committee for " examining the calculation of the equivalent," which was agreed to.

Thereafter it was alſo moved, " That a farther number of the members of " each State ſhould be added to the ſaid Committee;" and thereupon a vote was put, " Add, or not," and it carried, " Add."

Then it was moved, " That two of each ſtate be the number to be added;" and likewiſe moved, " That the number of four of each ſtate be added;" and after ſome reaſoning, it was put to the vote, " Two or Four," and it carried " Two;" and the next *ſederunt* of Parliament appointed for choiſing the additional members.

Then the ſeventh article of Union was read, and the reaſoning thereupon delayed till the next *ſederunt* of Parliament, to be then proceeded upon previous to all other buſineſs, after choiſing of the additional members for the Committee.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXVII.

The obſervations upon this day's minutes will be more properly referred to the time when the Committee to whom the ſixth artiele was referred, make their report.

The

The amendment of "drawbacks" was not ſcrupled, it was included before the word "allowances;" but it was ſuch a trifle that nobody would diſpute it, ſeeing it contained nothing but what was intended in the article itſelf.

The amendments offered were many, and the referring them to a committee, was no queſtion—the beſt method to come to a ſettlement in the ſeveral particulars; but this may be obſerved, and it was remarkable, that ſuch was the ignorance of the objectors in theſe caſes, and ſo much had they been impoſed upon in matters of trade, that they demanded inconſiſtent and impracticable things, that they demanded exemption from impoſts which nobody paid, they demanded liberty where there were no prohibitions, and equalities which were already agreed to.

For example, liberty of exporting wool, a thing on which the whole Engliſh commerce depended, and without a reſtraint upon which, all their manufactures would have been ruined; a thing impracticable in the nature of their trade, and which it was inconſiſtent with reaſon to expect.

Then they required liberty of exporting linen duty free; whereas it was evident, had they conſulted the Engliſh affairs, they would have found the Engliſh gave that liberty to all the world; and if any linen was imported into England, whatever duty it paid there was allowed back again, upon exportation by certificate.

Next they demanded liberty to export their woollen goods free of all duties and cuſtoms; whereas it was known, England had, long ſince, taken off all duty or cuſtom upon their woollen manufactures for ſeveral reaſons of trade, and for the encouragement of the poor.

Again, they aſked freedom of carrying their goods and cattle into England without cuſtoms and toll, which it was evident, without any proviſion, was the conſequence of the Union; and there could no more remain any toll, cuſtom, or duty, on paſſing and repaſſing of cattle or goods between England and Scotland, than there could in either kingdom from one county to another.

But this will farther appear, when the Report of the Committee comes to be under conſideration.

MINUTE XXVIII.

Thurſday, November 28, 1706.

Prayers ſaid.

Rolls called.

Then the following addreſſes were given in and read, viz. Addreſs of heretors and other inhabitants of the paroch of St. Ninians, ſubſcribers of the ſame;

and addreſs of the magiſtrates, town council, burgeſſes, and other inhabitants of the burgh of Dumbar, ſubſcribing the ſame; both againſt an Union with England in the terms of the articles.

Thereafter the Parliament (conform to the minutes of the laſt *ſederunt*) proceeded to elect the additional members to the Committee, to whom the ſixth article, and clauſes and propoſals relative thereto, are remitted: and the three eſtates having ſeparated to their uſual places, they returned, and reported their reſpective elections of the ſaid additional members, as follows, viz. Of the nobility, the Earls of Haddingtoun and Cromarty; of the commiſſioners for ſhires, Sir Gilbert Eliot of Minto, and Sir Thomas Burnet of Leyes; of the commiſſioners for burghs, Sir John Areſkine and Sir Peter Halket; and the Committee was appointed to meet in the Inner Seſſion Houſe to-morrow at nine of the clock in the forenoon.

Then the ſeventh article of Union was again read, and after ſome reaſoning, a propoſal was made for an explanation and addition, whereby this nation would be ſecured againſt paying more exciſe for the two-penny ale than they now do, in theſe terms, " That the thirty-four gallons Engliſh barrel of beer or " ale, amounting to twelve gallons Scots preſent meaſure, ſold in Scotland by " the brewer at nine ſhillings ſix pence ſterling, excluding all duties, and re- " tailed, including duties, and the retailers profit at two pence the Scots pint, " or eight part of the Scots gallon, be not, after the Union, liable, on account " of the preſent exciſe upon exciſeable liquors in England, to any higher im- " poſition than two ſhillings ſterling upon the foreſaid thirty-four gallons Eng- " liſh barrel, being twelve gallons the preſent Scots meaſure."

And another clauſe being likeways offered in theſe terms: " And it is hereby " ſpecially provided, that the two-penny ale or beer of Scotland ſhall be only " charged with the ſame exciſe as the ſmall beer of England."

After ſome debate, the vote was ſtated, " approve of the ſeventh article, as " to the exciſe of ale and beer, with the explanation, as contained in the firſt or " ſecond clauſes above inſert;" and thereupon the ſaid clauſes being read,

It was agreed, That the members ſhall be marked as they vote, and that a liſt of their names, as they vote firſt or ſecond, ſhall be printed; whereupon the vote was put, " Approve of the ſeventh article, as to the exciſe of ale and beer, " with the explanation, as contained in the ſaid firſt or ſecond clauſes," and it carried, " Firſt."

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXVIII.

The debate of this article had made much more noiſe out of the Houſe than it did within; ſome people had induſtriouſly alarmed Scotland with an apprehenſion,

apprehenſion, that, according to the words of the article, Scotland was to pay equal exciſe with England; that is, that as the ſtrong beer or ale in England paid four ſhillings and nine pence per barrel, ſo muſt the common beer, then brewed in Scotland, pay the ſame price; and it was manifeſt that this was the opinion of ſeveral members of Parliament, by their ſpeeches on this occaſion in the Houſe, as well as without.

On the other hand, others pretended to bring all the ale brewed then in Scotland down to the denomination of Engliſh ſmall beer, as being not ſold for more than ſome of the table beer in England was ſold for, which paid but as ſmall beer, after the rate of one ſhilling and three pence per barrel.

I ſhall be very far from offering to make any part of this hiſtory officious, in giving an account of any mean ſhare the author had in this affair, yet I cannot omit relating this part of the concern which caſually happened to him in this particular; and it may be mentioned for the ſake of the jeſt it made in the town, viz. That while it was thought well done to have a ſhare in ſtating the proportions of the exciſe, ſeveral perſons pretended to the title of being the firſt contrivers of it; but when afterwards, on ſome clamour raiſed upon the inequality of the proportions, the contrivers began to be blamed, and a little threatened *a-la-mob*; then it was D. F. made it all, and he was to be ſtoned for it: and afterward, when thoſe differences appearing but trifles, were, by the prudence of the Commiſſioner, reconciled, then they would willingly have re-aſſumed the honour of being the firſt formers of this affair.

It was indeed no ſmall difficulty at firſt how to ſtate a medium between the two nations; it had been laid down as a maxim, That Scotland could by no means bear the high exciſes paid for their ſtrong beer in England. It was alſo abſolutely neceſſary to regard doing juſtice to England, who, paying four ſhillings and nine pence per barrel exciſe, would have had a great hardſhip, if Scotland ſhould have had all their beer as Engliſh ſmall beer.

Again, the Scots ale, which was ſold in the public houſes, and commonly called *tippony*, was in no proportion like the Engliſh ſtrong beer, either in price or in ſtrength, being ſold for one penny the *chappin*, which was near the Engliſh quart, by retail, after paying a ſubſequent exciſe to the cities or burghs, and not one half, or above one third as ſtrong as the Engliſh ale or ſtrong beer. Upon this I ſhall impartially ſet down the matter of fact.

The author of this being ſent for by the Committee of Parliament then ſitting, the ſame to whom the ſixth article was committed, as is above ſaid, attended them at their meeting in the Lord Ceſnock's chamber; and being called in, the Committee did him the honour to tell him, they were informed he had ſpent ſome thoughts on the affair of the exciſes, and that he had

made ſome calculations: they told him, the Parliament were coming upon the debate of the ſeventh article, and the great difficulty before them was, to find out a medium between the Scots and the Engliſh exciſe, ſo as might make it tolerable to Scotland, and not give England reaſon to take umbrage, or complain of injuſtice.

He frankly owned he thought it would be very hard, and propoſed what he had formerly inſiſted on, viz. that the Scots ale or tippony being ſold for no more money than the houſhold or table beer in the city of London, which is called eight-ſhilling beer, and is often ſold for ten ſhillings per barrel, the Scots ought alſo to pay no more.

But the Lord Preſident of the ſeſſion objected, that the Engliſh would never be ſatisfied with that payment, as not being a juſt proportion; that the act of parliament was expreſs, that all beer above the price of ſix ſhillings per barrel ſhould pay as ſtrong beer; that thoſe kinds of beer called eight-ſhilling beer, were generally mixtures after the exciſe was paid; and that the denomination in England being but of two kinds, it would not be poſſible to place this on either head, and to leave it to the method of the eight-ſhilling beer in London, would be to lay all Scotland at the mercy of the exciſe officers, which would be unſufferable.

This diſcourſe put a thought in the author's head juſt in the moment; upon which he told their Lordſhips, he thought a proportion to both ſides might be formed, taking its riſe from the price of the beer, and value of the exciſe in either kingdom; and that he thought he could form it for them, ſo as that it ſhould not grieve either party.

Upon which their Lordſhips deſired him to try: he took the pen and ink and immediately ſtated the caſe thus:

There are in England but two denominations of exciſeable beer, ſmall and ſtrong.

The ſmall was ſuppoſed in the act at ſix ſhillings per barrel, and payed one ſhilling and three pence per barrel exciſe, which is excluded out of the ſix ſhillings per barrel.

The ſtrong was ſuppoſed at eighteen or twenty ſhillings per barrel, and payed four ſhillings and nine pence exciſe, which is included in the eighteen or twenty ſhillings per barrel.

There is in Scotland but one denomination of exciſeable beer, which we call, as above, for uſe ſake, tippony.

This was ſold for about nine ſhillings and ſix pence ſterling per twelve Scots gallons to the retailer, and payed twenty-three pence ſterling duty, which is not included in the nine ſhillings and ſix pence.

Note, Twelve Scots gallons were ſuppoſed to hold much about the Engliſh ale gauge of thirty-four gallons; there were ſome fractions or ſmall differences, which the Committee did not examine into; of which by itſelf.

Taking then this Engliſh exciſe from twenty ſhillings per barrel downward to nine ſhillings and ſix pence, or from ſix ſhillings per barrel upward to nine ſhillings and ſix pence, and then calculate the exciſe from either of thoſe extremes, and the middle ſeemed to be a juſt exciſe; and this project had two happy circumſtances in it, which exactly ſupplied the difficulty.

For example:

The price of the Scots ſtrong beer being nine ſhillings and ſix pence per barrel, excluſive of the exciſe, and the price of the Engliſh beer, reckoning it at twenty ſhillings per barrel, incluſive of the exciſe, being fourteen ſhillings and three pence per barrel, excluſive of the exciſe, nine ſhillings and ſix pence is to fourteen ſhillings and three pence, as nineteen pence to four ſhillings and nine pence.

Thus,

9s. 6d. ſterling is pence 114, the price of the Scots ſtrong beer, excluſive of the exciſe.

14s. 3d. ſterling is pence 171. Ditto of the Engliſh.

Two thirds of 171, which is 14s. 3d. is 114, which is 9s. 6d.

Two thirds of 57 pence, which is 4s. 9d. is 38d. which is the medium of exciſe this way.

Again, if you begin at the loweſt rate of the exciſe, and the loweſt price of beer, and from thence draw the proportion upward, then two ſhillings, the preſent ſtated exciſe, is the ſame to twelve, as fifteen pence is to ſix ſhillings, or ſo near it, as they ſell the beer incluſive: ſo that the difference is no extraordinary conſequence. For example:

Twelve gallons Scots, paying two ſhillings exciſe, is ſold for twelve ſhillings ſterling, including the duty.

One barrel Engliſh ſmall beer, paying one ſhilling and three pence exciſe, is ſold at ſeven ſhillings and ſix-pence per barrel, incluſive of the duty.

Note, Two ſhillings is one ſixth part of twelve ſhillings, and one ſhilling and three pence is one ſixth part of ſeven ſhillings and ſix pence.

Thus the exciſe of both kingdoms ſtands upon the ſame foot, and are an exact proportion to one another; and having drawn a rough ſcheme of theſe proportions, the Commiſſioners ordered them to be laid before them; finiſhed the next morning, which was done; and the author had the honour done him to have them accepted, which was a full reward to him, and compleatly ſuited to his expectations; and they ſtand in the treaty of Union in his very words.

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Note, Twelve Scots gallons were ſuppoſed to hold much about the Engliſh ale gauge of thirty-four gallons; there were ſome fractions or ſmall differences, which the Committee did not examine into; of which by itſelf.

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Again, if you begin at the loweſt rate of the exciſe, and the loweſt price of beer, and from thence draw the proportion upward, then two ſhillings, the preſent ſtated exciſe, is the ſame to twelve, as fifteen pence is to ſix ſhillings, or ſo near it, as they ſell the beer incluſive: ſo that the difference is no extraordinary conſequence. For example:

Twelve gallons Scots, paying two ſhillings exciſe, is ſold for twelve ſhillings ſterling, including the duty.

One barrel Engliſh ſmall beer, paying one ſhilling and three pence exciſe, is ſold at ſeven ſhillings and ſix-pence per barrel, incluſive of the duty.

Note, Two ſhillings is one ſixth part of twelve ſhillings, and one ſhilling and three pence is one ſixth part of ſeven ſhillings and ſix pence.

Thus the exciſe of both kingdoms ſtands upon the ſame foot, and are an exact proportion to one another; and having drawn a rough ſcheme of theſe proportions, the Commiſſioners ordered them to be laid before them; finiſhed the next morning, which was done; and the author had the honour done him to have them accepted, which was a full reward to him, and compleatly ſuited to his expectations; and they ſtand in the treaty of Union in his very words.

This

This is put down here, not at all to value the merit of the author upon, but, however, to do him juſtice againſt aſſuming pretenders.

As to the miſtake between the brewers and the exciſe officers, which fell out afterward in Edinburgh, and which ſome people induſtriouſly ſtrove to blow into a flame, it is explained in its place.

MINUTE XXIX.

Friday, November 29, 1706.

Prayers ſaid.

Rolls called.

Moved, That the obſervations made by the Council of Trade in relation to the export and import of this nation and a balance of our trade, be laid before the Committee, to whom the ſixth article of Union is remitted; and the ſame was accordingly ordered: as alſo the clerks of the ſaid Council of Trade were ordered to tranſmit to the ſaid Committee all obſervations, papers and records relating thereto.

Then the Lord Chancellor acquainted the Parliament, "That the Secret "Council, at their laſt meeting, had under their conſideration ſeveral accounts "of irregular and tumultuary meetings, by ſome people of the common and "meaneſt degree in arms, and of abuſes committed by them at Glaſgow, ſtew-"artry of Kirkcudbright and Dumfries, and ſeveral places of Lanerk ſhire; "and that there were papers dropt, inviting people to take up arms, and to "provide ammunition and proviſions, in order to their marching to diſturb the "Parliament; all which he was directed by the right honourable the Lords of "Her Majeſty's Secret Council to lay before the Parliament, to the effect pro-"per methods might be reſolved upon for preventing the evil conſequences of "ſuch practices;" and therefore preſented a letter from the magiſtrates of Dumfries to Her Majeſty's advocate, "Bearing an account of the abuſes and "tumultuary meetings in that place, with a declaration emitted by thoſe who "met, which was affixt on the mercat croſs of Dumfries;" and both were read.

Whereupon a draught of a proclamation to be emitted by the Parliament, "againſt all tumultuary and irregular meetings and convocations of the lieges," was preſented and read; and after ſome diſcourſe thereupon, it being objected, "That it did not appear that there was a particular information of any tumul-"tuary meetings or irregular convocations in any other part of the ſhire of "Lanerk than at Glaſgow,"

Her Majeſty's High Commiſſioner was thereupon pleaſed to notify to the Parliament, "That he had information not only from Glaſgow and Dumfries, "but alſo from ſeveral places in Lanerk ſhire of tumultuary and irregular "meetings of men under arms, and of their giving out and publiſhing their de- "ſign of marching to diſturb the Parliament."

Thereafter the draught of the proclamation was again read, and after reaſoning thereupon, and ſome amendments, a vote was ſtated, "Approve of the pro- "clamation or not."

And before voting, it was agreed, that the members ſhall be marked as they vote, and that the liſt of their names as they vote pro or con ſhall be printed and recorded, and the Lord Chancellor allowed to have his name printed and recorded as an approver; and the proclamation as amended being again read over,

The vote was put, "Approve or not;" and it carried, "Approve."

Thereafter the draught of an act, ſuſpending the effect of that clauſe in the act of Security "for arming and exerciſing the fencible men," paſt in the ſecond ſeſſion of this current Parliament; and that during this ſeſſion of Parliament allannerly, read, and a firſt reading ordered to be marked thereon.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXIX.

The affair of the rabbles in the country came now before the Parliament, for things were come to that height in the country, that it was no longer to be tampered with: the party who had oppoſed the Union had ſo far prevailed upon the people, that they began to break all bounds: at Dumfries the articles of the Union were burnt at the market croſs by a number of people in arms, though they were not ſo many as was reported at Edinburgh, where they induſtriouſly enlarged thoſe reports to intimidate the party that was for the Union, and, if poſſible, to ſet the mob in Edinburgh to work again; but the guards there did their duty ſo effectually, that there was no more appearance in the ſtreet, though loud threatnings were made of it.

As to the burning the articles, it was true that a number of people being got together did publicly burn the articles of the Union, as concluded in London, with the liſt of the names of the Commiſſioners of the treaty, and did affix a paper upon the croſs of Dumfries, which they called, "Reaſons for "and deſigns in burning the articles, &c." after having read the ſaid paper from the croſs.

This paper was afterwards printed, and the printer being ordered to be apprehended, fled for it till the firſt heat was over; and then he appeared again, and was not queſtioned for it.

The

The copy of the ſaid paper is added in the appendix to this work, N°. Ex.

But it is hoped, that whereas the paper mentions ſquadrons of foot and horſe, and the report was of 5,000 and 7,000 people, 5,000 in arms that entered the town, and 7,000 in the hills to ſupport them. It was all rumour, the moſt that appeared in this action being about 200, and theſe in no ſort of military order of equipage, as I have noted before.

Yet was this diſorder improved to a great height, and particularly as it was improved to make the Government apprehend the weſtern people were reſolved to concern themſelves in this affair, and to take arms againſt the Government. The Parliament was very ſenſible of this, and being very loth to have any force made uſe of, they tried all the methods poſſible, by proclamations, and public repealing the licenſe for muſtering, to take away all opportunity of aſſembling together, by which the people might be drawn into the ſnare.

It is obſervable, that, even in the Houſe, there appeared ſome who were very loth to have theſe rabbles diſcouraged and diſcountenanced; and though I could give more particular inſtances of it, yet this of objecting againſt the certainty of the accounts, viz. "That it did not appear that there was a par-"ticular information of any tumultuary meetings, or irregular convoca-"tions;" this, I ſay, is a clear proof of it; for theſe objectors were openly againſt preventing the muſtering or aſſembling the lieges according to the act of Security, and gave this ſuggeſtion, viz. Want of information, for a reaſon; whereas the matter of fact was, that the Lord Commiſſioner had real and direct information of this affair of Dumfries, and of private emiſſaries gone abroad to excite the people to take arms, and the reſpective meetings of theſe agents or emiſſaries in the county of Lanerk, and elſewhere, more than ſufficient to juſtify the precautions mentioned in the minute.

Upon this debate the proclamation was voted, and the act of Security, ſo far as it concerned this caſe, was repealed, which had various effects in ſeveral parts of the country; in ſome places it really cruſhed and prevented their aſſembling; at Glaſgow it irritated and provoked them, and made them more furious than before. But generally it had a very good effect, for it took away the pretence which any of the lairds or heads of clans might have had before to have appeared with the people in arms, and under the pretence whereof they might have been exonerated in law, while an act of Parliament was in force to protect them; for no man could ſay, if a gentleman gathered 100 or 500 men together, that he had any ill deſign; and though he armed them and trained them, and kept them together, he could not be accuſed for any crime, becauſe the law allowed him to do ſo, under pretence of arming and diſciplining the fencible men, as authorized by the act of Security.

This appeared therefore ſo neceſſary at this time, that a propoſal was immediately brought in to repeal that part of the act of Security, at leaſt to ſuſpend it for a time. There was great oppoſition made to this propoſal, and abundance of ſpeeches made applauding the act of Security; how difficult it was obtained, and how much of the liberty of Scotland depended upon it. But the motion being ſeconded with the neceſſity of the time, and the cauſes as above, and withal the propoſal being made to extend it only to the time of the preſent ſeſſion of Parliament, as per the vote, it admitted the leſs oppoſition.

MINUTE XXX.

Saturday, November 30, 1706.

Prayers ſaid.

Rolls called.

Addreſs of the magiſtrates and town council of the burgh of Air, for ſuch rectifications of the articles of Union, and ſuch eaſes of duties and public taxes, as are moſt agreeable to the circumſtances of this nation, given in and read.

Addreſs of heretors and others, inhabitants of the town and paroch of Burntiſland, ſubſcribers of the ſame, againſt an Union with England in the terms of the articles, given in and read.

Thereafter the act ſuſpending the effect of a clauſe, as to arming and exerciſing the country in the act of Security, paſſed in the ſecond ſeſſion of this current Parliament, again read; and after ſome reaſoning thereupon, and ſome amendments, the act as amended was again read.

Then the vote was put, "Approve of the act or not," and it carried, "Approve," and was touched with the ſcepter by Her Majeſty's High Commiſſioner in the uſual manner, under the title of "Act againſt all muſters and rendezvouzes during the preſent ſeſſion of Parliament."

And the ſaid act, and the proclamation mentioned in the minutes of the laſt *ſederunt*, were ordered to be forthwith publiſhed and printed.

Thereafter the ſeventh article of Union was again read, and after reaſoning upon that part thereof not formerly approven, it was put to the vote, "Approve of the ſaid ſeventh article or not," and it carried, "Approve."

A print was then given in, intituled, "An account of the burning of the articles of Union at Dumfries," bearing the declaration "Read and affixt at the mercat croſs thereof by the tumult aſſembled on that occaſion;" and it being moved, "That inquiry ſhall be made who has been the printer and ingiver of

" the ſaid ſcurrilous paper, and that the print be burnt by the hand of the " hangman,"

It was remitted to the Committee, to whom the ſixth article of Union is remitted, to call for the magiſtrates of Edinburgh, and to take trial and make inquiry anent the printer and ingiver of the ſaid paper.

Ordered alſo, That the ſaid ſcurrilous print be burned by the hand of the common hangman at the mercat croſs of Edinburgh upon Monday next, betwixt eleven and twelve o'clock, and the magiſtrates of Edinburgh appointed to ſee the order punctually executed.

Then the eighth article of Union was read, and remitted to the Committee, to whom the ſixth article is remitted.

" Act for adjourning the ſeſſion till the firſt day of January next," read, and a clauſe was offered to be ſubjoined thereto, in theſe terms: " And farther, Her " Majeſty, with advice and conſent foreſaid, ſtatutes and ordains, that the " ſeſſion, which is appointed to riſe the laſt day of February next, be continued " to ſit, for adminiſtration of juſtice to the lieges, from the ſaid day to the laſt " day of March 1707 years inclusive."

Which being read, the conſideration of the ſaid clauſe delayed till the act be again read, and a firſt reading was ordered to be marked on the act.

Thereafter it was intimate to all ſuch members as gave in any overtures or clauſes relating to the ſixth article of Union, to attend the Committee next *ſederunt*.

Adjourned till Tueſday next at ten o'clock.

OBSERVATION XXX.

The debates of this day were principally taken up about repealing the clauſe of the act of Security anent arming and exerciſing as before, and great ſtruggles were made to preſerve the clauſe; but it looked ſo like abetting the tumults, which were now in their height, that no man could ſpeak heartily to it; for all men pretended, at leaſt, to diſown the deſign of rabbling the Parliament, and breaking up their conſultations by tumults and violence; but yet, as far as they could drive it, they oppoſed this vote.

At laſt it was carried, and the act was touched, and is printed in that part of this work intitled, " Of the carrying on the treaty in Scotland," p. 282.

The paper about burning the articles at Dumfreis was now cenſured, and the printer kept out of the way ſome time; but no proceedings were made on it, only that the paper was burnt by the hangman according to the order.

The difficulties of the ſixth, ſeventh, and eighth articles, being generally reſpecting taxes, exciſes, ſalt, exportations and importations, &c. of trade,

were

were referred to the Committee to ſettle, and ſhall be ſpoken to as they came again before the Houſe.

It is to be obſerved, among the great croud of addreſſes that had been brought into the Houſe, one of this day from the burgh of Air differed from the generality, and was not as others, "againſt an Union with England in "the terms of the articles;" but was for "Rectification of the articles, and "eaſe of taxes." This had ſome ſeeming ſoftneſs in it, and appeared more reaſonable than the others; and the Parliament ſeemed generally inclined to enter upon rectifications and eaſe of taxes, and the references to the Committee were with that proſpect; the difficulty lay how to regulate and ſo govern the ſaid regulations, as to make them equal to both kingdoms, reaſonable in Scotland to aſk, and reaſonable in England to comply with, that ſo the poor might, as far as poſſible, be eaſed, the circumſtances of both kingdoms be conſidered, and England not be impoſed upon; for they were not ignorant that there were vigilant endeavours at work to obtain ſuch amendments as England ſhould ſtick at, and as might, at leaſt, occaſion the treaty to be ſent back to Scotland for farther amendments; and then they would be able to raiſe ſuch farther difficulties, that the time might expire upon their hands, and then the whole work had been to do over again.

MINUTE XXXI.

Tueſday, December 3, 1706.

Prayers ſaid.

Rolls called.

Then the following addreſſes were given in and read, viz. Addreſs of the merchants, deacons, trades, and other inhabitants, of the burgh of Air, ſubſcribers of the ſame; addreſs of barons, freeholders, heretors, and others, of the four parochins of Glenkenns, in the ſhire of Galloway, ſubſcribing the ſame; and addreſs of the magiſtrates, town council, burgeſſes, and inhabitants, of the burgh of New Galloway, ſubſcribers of the ſame: all againſt an Union with England in the terms of the articles.

Thereafter the "Act adjourning the ſeſſion till the firſt of January next" was again read, as alſo the clauſe continuing the ſitting thereof from the laſt of February till the laſt day of March next incluſive, inſert in the minutes of the laſt *ſederunt*; and after debate, it was put to the vote, "Add the clauſe or not," and it carried, "Add."

And the clauſe being added, the vote was put, "Approve the act or not," and it carried "Approve."

Ordered, That the Council of Trade do meet and give in their obſervations as to export and import, and balance of trade, to the Committee to whom the ſixth and eighth articles are remitted, and that betwixt and the next *ſederunt* of the ſaid Committee.

Then the ninth article of Union was read, and, after reaſoning thereon, it was moved, That ſix months ceſs ſhall be the quota of the tax to be impoſed on Scotland, in place of eight months agreed to by the ſaid article, and after debate thereupon,

A vote was ſtated, "Approve of the ninth article or not."

And thereupon a ſecond ſtate of a vote was offered, viz. "Whether ſix "months ceſs or eight months ceſs ſhould be the quota of the tax to be charged "on Scotland."

Then the vote was put, "Which of the two ſhould be the ſtate of the vote, "firſt or ſecond," and it carried, "Firſt."

Whereupon it was put to the vote, "Approve of the ſaid ninth article or not," and it carried, "Approve."

Thereafter the tenth, eleventh, twelfth, and thirteenth articles of Union were all ſeverally read, and were ſeparately voted and approven.

The fourteenth article of Union read, and the conſideration thereof delayed till next *ſederunt*, to be then proceeded upon previous to all other buſineſs.

Act adjourning the ſeſſion to the firſt day of January next, and continuing the ſitting thereof from the laſt of February till the laſt day of March next inclusive, touched with the ſcepter by Her Majeſty's High Commiſſioner in the uſual manner.

Adjourned till Thurſday next at ten o'clock.

OBSERVATION XXXI.

The ninth of the articles of the Union could admit of no debate; but whether the eight-months ceſs agreed to be the proportion of Scotland, to the land tax of four ſhillings per pound upon rent in England, were founded upon a true ſcale of equalities. I have already ſtated this queſtion in the obſervations on the minutes of the treaty at London, and need not repeat them: but obſerve, that the propoſal now made of ſix months ceſs, to the Engliſh two million land tax, had no arguments at all to ſupport it, that could be made good by juſt proportions; neither were there any ſchemes offered to the Houſe to form any other proportions from, or to prove any thing of equalities upon; ſo the making this offer produced no other effect than the bare reciting the ſeveral calculates and proportions upon which the other was formed, and which had been approved in the treaty at London; and upon an eaſy examination they

appeared ſo juſt, that nothing could be offered of any real weight to move the Parliament to alter it; ſo this clauſe paſt with ſmall difficulty.

The tenth, eleventh, twelfth, thirteenth articles, required no debate, conſiſting only of exemptions to Scotland from ſeveral duties and taxes paid in England, which could not be extended to Scotland, ſuch as ſtampt paper, which in Scotland could not conſiſt with the methods of the law, nor be born in trade; or the window lights, which was determined not to be continued in England, and the coal and culm, which, according to the method of that tax in England, did not reach to the coal in Scotland, other than ſuch as ſhould be carried into England, or exported into foreign parts, which were expreſſly provided for in the clauſe, in theſe words, "That Scotland ſhall be "charged with the ſame duties as in England for all coal, culm, and cinders, "not conſumed in Scotland." As to the malt tax in England, which was the thirteenth article, it was temporary, and could not extend to Scotland without a new law; and that was provided againſt in the next article.

MINUTE XXXII.

Thurſday, December 5, 1706.

Prayers ſaid.

Rolls called.

The Parliament was then acquainted, That the Report of the Committee anent the calculation of the equivalent remitted to them, was ready, and in the clerk's hands; and that all perſons concerned may ſee the ſame, and grounds whereupon it proceeds, before the Report be brought in to the Parliament.

Thereafter the fourteenth article of Union was again read, and an amendment and addition thereto was offered in theſe terms: "And that the part of "the united kingdom now called Scotland, ſhall not in all time coming be "charged with any malt tax, or any other cuſtoms, exciſes, taxes, or any other "burdens or duties than theſe conſented to in this treaty."

And after ſome reaſoning upon the firſt part of the ſaid clauſe in relation to the malt tax, it was propoſed, That the amendment ſhould be in theſe terms, with this farther proviſion, "That any malt to be made and conſumed within "that part of the united kingdom now called Scotland, ſhall not be charged "with any impoſition on malt during this preſent war."

And after ſome farther debate, the vote was ſtated, "Whether the exemption "from any impoſition on malt ſhall be temporary or perpetual."

Then

Then the vote was put, "Whether the exemption ſhall be temporary or per-
"petual," and it carried "Temporary."

Thereafter it was propoſed, That the exemption ſhall be during this preſent war.

It was alſo propoſed, That the exemption ſhall be for a longer time.

And after debate thereon, the vote was ſtated, "Whether the exemption
"from any impoſition on malt ſhall be during this preſent war, or for a longer
"time," and it carried "During this preſent war."

Then the article as amended was again read, and the farther conſideration thereof delayed till next *ſederunt* of Parliament, to be then proceeded upon previous to all other buſineſs.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXII.

The affair of the malt tax came upon the ſtage in the debate of the fourteenth article, becauſe it was but a temporary tax in England; and therefore was to be conſidered amongſt theſe things which the Parliament of Great Britain might hereafter lay taxes upon.

The treaters had acquieſced in a ſuppoſition offered in England in theſe words: "That the Parliament of Great Britain could not be ſuppoſed to lay
"any ſorts of burdens upon the united kingdom, but what they ſhall find of
"neceſſity at that time for the preſervation and good of the whole, and with
"due regard to the circumſtances and abilities of every part of the united
"kingdom; therefore it is agreed, that there be no farther exemption in-
"ſiſted upon for any part of the united kingdom, but that the conſideration
"of any exemptions beyond what are already agreed on in this treaty, ſhall
"be left to the determination of the Parliament of Great Britain." Upon this account they did not inſiſt upon exemptions of duties any farther than the ſaid duties were then extended in England. But people were now come to a greater length, and they did not care to truſt the Britiſh Parliament ſo far. They had encouraged all manner of jealouſies of the Britiſh Parliament; the people had received no notions but of Scotland's being always oppreſſed by them, both in civil and religious concerns; and that therefore nothing was to be left to them. That the Britiſh Parliament was to be fenced againſt as a declared enemy, and the repreſentatives of Scotland being like to be but a few, viz. forty-five to five hundred and thirteen; they were to be cruſhed by number, outvoted, and diſregarded in every thing relating to Scotland.

There is no more wonder to be made that they were for making every thing ſecure, and ſettling it to points and punctilios, who had entertained ſuch notions

notions as theſe. The malt tax therefore being acknowledged inſupportabld in Scotland, and the treaters having determined it ſo, and exempted Scotland from it, for as long time as it was now in force in England: the Parliament building upon that ſuppoſition, reſolved to determine the time of the exemption, that they might be ſure of it.

It was moved very briſkly, That Scotland ſhould for ever be exempt from it; but that went not far, as appears in the vote; ſome were for a certain term of years, ſome for an exemption during the war, others for a certain number of years after the war.

The exemption during the war ſeemed the moſt rational, becauſe it was known that the tax upon malt was a temporary tax, given but upon the emergence of the war; and as the gentry of England were with difficulty brought to ſubmit to it, ſo they were not eaſy under it, and would never ſuffer it to continue after the war, having for that end given it but from year to year, that it might not be entangled with anticipations, or appropriated to payments that ſhould continue it; and therefore to exempt Scotland during the war, was a total exemption in its kind, and ſeemed ſufficient. This was oppoſed a little; but, as being a point gained, thoſe who ſought the regulation of conditions only, came freely into it, and ſo it paſſed.

MINUTE XXXIII.

Friday, December 6, 1706.

Prayers ſaid.

Rolls called.

The fourteenth article of Union, as amended, again read; alſo the clauſe offered to be added to the ſaid article, inſert in the minutes of the laſt *ſederunt*, as to the exemption from any other cuſtoms, exciſes, taxes, or any other burdens or duties than thoſe conſented to in this treaty.

There were two ſtates of a vote propoſed; the firſt in theſe terms, "Approve "of the article as amended or not;" and the ſecond in theſe terms, "Approve "or amend."

And before voting it was agreed, That the members ſhall be marked as they ſhall vote in both votes, and that the liſt of their names ſhall be recorded and printed accordingly.

Then it was put to the vote, "Which of the two ſhall be the ſtate of the vote, "firſt or ſecond," and it carried "Firſt."

Thereafter

Thereafter the vote was put, "Approve of the article as amended or not," and it carried, "Approve."

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXIII.

The debate of this day ran only upon the affair mentioned before, viz. Whether they ſhould depend upon the Britiſh Parliament maintaining a juſt and equal regard to the good of the whole united iſland after the Union, and that they would have reſpect to the circumſtances of every part in their laying on taxes, or whether they ſhould pin them down in all time coming, that no other burdens or taxes ſhould be laid on than thoſe already mentioned.

The ſuppoſition of the Parliament of Britain being partial againſt Scotland, and the repreſentatives of Scotland being few, being oppreſſed and outvoted, as I have noted already, though it was a popular notion, and improved to an extravagant height without doors, yet it had not obtained ſo as to be owned in Parliament; nor indeed could any man, with juſt reaſon, have ſuppoſed ſuch a thing; and therefore to offer at a poſitive limitation on the Parliament of Britain, ſeemed to have ſomething in it very harſh.

Again it was alledged, That to limit the Parliament of Britain not to lay on any other cuſtoms, exciſes, taxes, duties, or burdens, than thoſe conſented to in this act, was to take away the power from the people of Britain, to conform their affairs even to their own circumſtances, ſince the time might come when ſome of thoſe duties might become burdenſome that now were not ſo; and others, which now would be burdenſome, might be more for the public ſervice; but to tie the Parliament down abſolutely, as in this clauſe, would be to limit them from making alterations in the public taxes, though apparently for the public advantage, and would in effect take from them that power for which they were really conſtituted, viz. To diſpoſe of the people's purſes, and redreſs their grievances.

It was long argued, That the Parliament ought to be limited in this caſe, becauſe of the danger there was of Scotland being burdened with intolerable taxes, and of the preſent circumſtances of Scotland which were allowed to be unable to bear them; that, under the pretence of alteration of taxes, oppreſſive duties might be laid upon Scotland, which, though they might be tolerable in England, were not ſo here, and they ought to provide againſt them.

But it was reſolved at laſt into this, That all future contingencies muſt be left to a Britiſh Parliament, and the words of the articles contained a ſufficient reaſon for ſo doing, viz. "It could not be ſuppoſed that the Par-
"liament of Great Britain will ever lay any ſorts of burdens upon the
"united kingdom, but what they ſhall find of neceſſity at that time for
"the preſervation and good of the whole, and with due regard to the cir-
"cumſtances

" cumſtances and abilities of every part of the United Kingdom; therefore " it is agreed, that there be no farther exemption inſiſted upon for any " part of the United Kingdom, but that the conſideration of any exemptions, " beyond what are already agreed on in this treaty, ſhall be left to the de- " termination of the Parliament of Great Britain."

And thus, with ſome difficulty, the clauſe was paſſed without any farther amendment.

MINUTE XXXIV.

Saturday, December 7, 1706.

Prayers ſaid.

Rolls called.

The fifteenth article of Union read, and thereafter the firſt clauſe or paragraph thereof again read, as alſo the Report brought in from the Committee for examining the calculation of the equivalent, being as follows: The Committee of Parliament, to whom the conſidering of the calculation of the equivalent was remitted, having conſidered the report made to them by Doctor James Gregory, profeſſor of the mathematics in the college of Edinburgh, and the report made by Doctor Thomas Bowar, profeſſor of the mathematics in the college of Aberdeen, of their ſeveral and reſpective examinations of the calcul, and grounds thereof, whereupon the Commiſſioners, in treating the article for eſtabliſhing the equivalent, did proceed; and alſo having conſidered the report of the Sub-committee thereanent, they find, that the computation of the equivalent, mentioned in the article is juſt, and that the calcul is exact, and well founded in the terms, and in manner expreſſed in the ſaid article.

Whereupon it was propoſed to delay the conſideration of the ſaid fifteenth article, until reports be brought in, in relation to the ſixth and eighth articles from the Committee to whom the ſaid articles are remitted.

And after debate thereon, it was agreed, that the proceeding on the fifteenth article ſhall not be underſtood to be any determination of the ſixth or eighth articles that ſtand committed, but that the reaſoning and voting on the ſixth and eighth articles ſhall be entire.

Then a ſtate of a vote was offered in theſe terms, " Approve of the firſt pa- " ragraph of the fifteenth article or not;"

But it being moved, " That the Parliament firſt conſider whether we ſhall " be concerned in the payment of the Engliſh debts:" a ſecond ſtate was thereupon offered, " Whether we ſhall engage in the payment of the debts of " England, yea or not.

And after ſome reaſoning thereon, it was put to the vote, which of the two ſhould be the ſtate of the vote, firſt or ſecond.

And before voting it was agreed, that the members votes ſhall be marked, and that a liſt of their names as they ſhall vote ſhall be printed and recorded.

And the Lord Beilhaven gave in a proteſt as follows: "I do proteſt in my "own name, and in the name of all thoſe who do adhere to this my proteſt, "that the voting and agreeing to the firſt clauſe of the fifteenth article of the "treaty of Union, doth no ways infer any manner of conſent or agreement, "that Scotland ſhould be liable to the Engliſh debt in general, but that it may "be lawful to object againſt any branch of the ſaid debt not already deter-"mined:" And he took inſtruments thereupon, and the Duke of Hamilton, the Earl of Selkirk, the Lord Saltoun, Andrew Fletcher, of Saltoun; Sir Humphrey Colquhoun, of Luſs; David Bethun, of Balfour; Major Henry Balfour, of Dunboig; Mr. Thomas Hope, of Rankeilor; Alexander Watſon, and Mr. Robert Frazer, adhered thereto.

Then the vote was put, "Firſt or ſecond," and it carried, "Firſt."

Thereafter it was put to the vote, "Approve of the firſt clauſe or paragraph "of the fifteenth article or not," and it carried, "Approve."

Her Majeſty's High Commiſſioner, and the eſtates of Parliament, did recommend the perſons employed in the calculation of the equivalent by the Committee, to whom the examining thereof was remitted, to the Lords of Her Majeſty's Treaſury, for a gratification for their pains.

Adjourned to Tueſday next at ten o'clock.

OBSERVATION XXXIV.

They were now come to the great article of the equivalent: It had been offered at in the fifteenth article, and by conſent referred to a Committee; which committee had ſpent a great deal of time upon it; had examined all the calculations made by the clerks employed in London during the treaty; had caſt up the intereſts, and the valuation of years, to reduce every annual payment upon ready money, upon equal rebates and allowances; and their report was now brought in, by which it appears, that the calculations made in England were very juſt, ſo that no objection lay againſt that part of the work.

The firſt queſtion then was, Why ſhould Scotland concern itſelf in paying England's debts at all? And on this head it is neceſſary to be ſomething large, ſince the learned debates on this head filled the whole nation, and the oppoſers of the Union advanced abundance of objections againſt the very thing called an equivalent; in the firſt place, as needleſs and impertinent; that

that England ſhould pay its own debts, and keep her own money, and the like; that to make Scotland pay taxes, and then give her an equivalent, was doing nothing as to equalities, for that though it might be an equality, nationally ſpeaking, it had no perſonal juſtice or equality at all; ſince, the private perſons that ſhould pay it, would never receive any equivalent for the injury they received.

Some anſwers to this I ſhall ſet down here, as they were argued in the Houſe, and after made public by an honourable member of the Parliament, now Baron of the Exchequer in Scotland, Mr. Clark, of Pennycook.

1. That no communication of the trade of England can be given to the ſubjects of Scotland, unleſs we are ſatisfied to pay equal cuſtoms and duties upon export and import, and equal exciſes. The reaſon is plain; for otherwiſe, the merchants reſiding in Scotland would be put in a condition to ruin the whole trade of England.

2. That an equality of exciſes in both kingdoms, is as neceſſary as an equality of cuſtoms; for, not only all immediate burdens on trade are to be regarded, but even theſe things which affect and influence trade.

3. That though a fœderal Union was practicable between the two kingdoms (as I believe it is not) yet even by that Union, we behoved to undergo the burden of equal cuſtoms and exciſes, otherwiſe there could be no communication of trade.

4. That a great part of the Engliſh cuſtoms, and exciſes is appropriated towards payment of their debts; ſo that the paying of the Engliſh debts and the paying of equal cuſtoms and exciſes, are almoſt reciprocal terms to ſignify one and the ſame thing, or otherwiſe, that theſe cuſtoms and exciſes payed after the Union, will be appropriated towards paying our own debts, which is the ſame, as ſhall more fully appear hereafter.

5. That theſe debts (being after the Union to be called the debts of Great Britain) are ſo neceſſary and inevitable burdens on Scotland, that neither by an incorporating or fœderal Union with England, can Scotland be free of them; ſince, as was ſaid before, they are included and wrapped up in the very notion of equal cuſtoms and exciſes.

From theſe poſitions it follows, that ſince under all ſorts of Union, whatſoever, with a communication of trade, we muſt be ſubjected to equal cuſtoms and exciſes, and that a great part of theſe is applied towards payment of the debts of England, therefore, in common juſtice, a proviſion behoved to be made to Scotland, for re-imburſing what we ſhall be charged on the ſcore of theſe debts, which by this article of the treaty is called an equivalent.

This equivalent is ſo contrived and adjuſted, that thereby we cannot properly look on ourſelves as engaged in the Engliſh debts, for no man can be properly ſaid to pay a debt for another when the money is either advanced before hand to the payer, or at fartheſt, the next moment after it is payed out, which will be Scotland's caſe.

It was evident that a communication of trade was the intereſt of Scotland, and was the cleareſt advantage on the Scots ſide, and moſt unexceptionable in the whole treaty: it was impoſſible this communication of trade could be eſtabliſhed, and could be entirely free, unleſs an equality of cuſtoms, exciſes, and of all ſorts of payments were ſettled at the ſame time; ſo that theſe people who were ſo backward to come into the Engliſh debts, were leading into a rejecting the only advantage which they themſelves acknowledged was to be had by the Union.

The equality of exciſes and cuſtoms being thus abſolutely neceſſary, the Engliſh debts came to be concerned, becauſe the cuſtoms and exciſes of England, being appropriated as funds to pay the intereſt of annuities, and ſuch like incumbrances, the ſame duties in Scotland would of courſe run in the ſame channel, come into the ſame charge, and under the ſame incumbrances; and it could not be otherwiſe, without running things into all manner of confuſion.

The treaters in London had been convinced of this, and therefore readily came into it, demanding an equivalent to Scotland, ſuited to ſo much of the Scots revenue, as ſhould be ſo appropriated to the payment of the Engliſh debts.

But it was the hardeſt thing in the world, to make the people in Scotland apprehend it: not but thoſe who were more immediately concerned in the debating it, underſtood it well enough; but it ſerved as a handle to rally the Union, and the thing being rendered as intricate to the common people as poſſible, that they might be the more moved to oppoſe it; theſe ignorantly running away with a notion, that Scotland was to pay the Engliſh debts, began to rage at the treaters again, and cry out, they were ſold and betrayed; to tell them of an equivalent, was to ſay nothing; and, as many did not underſtand it, ſo they that did, would not ſeem to underſtand it; the very word became proverbial, and was the jeſt of converſation, till the averſion to it rendered it in a manner contemptible. To bring Scotland in to pay the Engliſh debts! What, was not Scotland poor enough already? Was this the advantage of the Union! It could not be ſuffered, and the treaters had betrayed them. Such diſcourſe as this was the ſubject of the common people's converſation, and the anſwering them with the ſtory of an equivalent to be paid them was to tell them ſomething which they neither underſtood nor entered into the examinaton of.

It

It would be very hard to deſcribe how this kind of diſcourſe irritated the poor people, and how they were impoſed upon in the daily accounts ſpread of this new wonder called the equivalent, of which calculations were made; repreſenting, that in a year, Scotland would repay all the money advanced from England, by the increaſe of cuſtoms and exciſes; and ſo after that rate, notwithſtanding of the equivalent, Scotland would be drawn into an entail of taxes for an hundred years, to clear off the vaſt debt of twenty millions which England was now liable to.

I ſhall have occaſion to anſwer this in a ſubſequent obſervation; but I cannot but note, that by a due calculation laid before the Parliament, it was made very plain, that England would be ſo far from being reimburſt in a year, as above, that reckoning the common intereſt of the money advanced in the equivalent, with the medium of years in which great part of the duties the other people had calculated from was to expire, the equivalent advanced in money to Scotland would not be repayed in ninety years.

Yet was not all this able to allay the prejudices of the people at the affair of paying the Engliſh debt, which they run away with ſo eagerly, and ſo univerſally raged againſt, that had not the rabbles been in good time cruſhed before, and that ſo effectually, that they could not begin again, it was thought this very thing would have influenced them to a more dangerous degree than any thing.

But this was offered by degrees, the work of this day was only to debate the firſt clauſe, viz. Whether Scotland ſhould be entirely free from the Engliſh debts, or whether they ſhould come in to the appropriations of the Engliſh duties, accepting of an equivalent; and after a very warm debate, the caſe was carried as by the minute.

MINUTE XXXV.

Tueſday, December 10, 1706.

Prayers ſaid.

Rolls called.

Addreſs of heretors and commons of the town and paroch of Douglaſs, ſubſcribing the ſame; and addreſs of parochioners of Carmichael and Petinean, ſubſcribers of the ſame; both againſt an Union with England in the terms of the articles, were given in and read.

The ſixth article of Union again read, as alſo a report of the Committee to whom the ſame was remitted in the terms following, viz. "The Committee of

" of Parliament appointed for conſidering the ſixth article of the treaty of " Union, and propoſals made in Parliament relative thereto, having conſi- " dered the clauſe under written, anent the premiums and rewards for export- " ing of victual, are of opinion, that the clauſe after mentioned be added " to the article of Union, whereof the tenor follows, viz. ' And ſeeing by the " ' laws of England, notwithſtanding there are rewards granted upon the ex- " ' portation of certain kinds of grain, wherein oats grinded or ungrinded are " ' not ſpecified; that from and after the Union, when oats ſhall be at fifteen " ' ſhillings ſterling, per quarter or under, there ſhall be payed two ſhilling " ' and ſixpence ſterling, for every quarter of the oatmeal exported in the " ' terms of the law, whereby, and ſo long as rewards are granted for expor- " ' tation of other grains, and that the bear of Scotland have the ſame rewards " ' as barley."

And upon a motion, " That the premium to be allowed ſhould be higher," after a long debate thereon, it was put to the vote, " Approve of the Report " or alter," and it carried, " Approve."

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXV.

" The committee to whom the ſeveral articles about trade were referred, began now to make their reports, and beginning with the ſixth article concerning equalities of allowances and encouragements, they made their report about the allowances on exporting victual, by which is underſtood corn only, which is commonly called victual in Scotland.

The allowance here offered by the Committee, was on theſe conſiderations: It had been uſed in England to give a bounty or allowance on the exportation of grain, to encourage the merchant to export, it being a ſure rule in trade, that all the mere product of the earth which can be ſpared and exported abroad, over and above the neceſſary conſumption of the nation, is clear gain to the public ſtock.

But oats in England had no allowance or bounty on the exportation, becauſe it was generally ſuppoſed, that England had never any quantity of oats to ſpare more than they conſumed among themſelves, but were rather always ready to buy oats from abroad than to export them.

On the other hand, oats being the principal kind of grain ſowed in Scotland, it was equally neceſſary to encourage the exporting of oats, as it was to encourage the exporting of wheat in England.

But this was anſwered, by telling them, that there was no need of propoſing a bounty upon the exportation of oats, for that England would always take off whatever quantity of oats they could part with; and to offer a bounty

for exportation of that abroad, which was really wanted at home, was abſurd, contrary to the rules of trade, and the nature of the thing. Farther it was offered, that ſhould a bounty be offered on the exportation of oats, the out-ports in England, which now ſupply London, lying ready for the trade to Holland and Flanders, would ſend all their oats abroad, and London would not be ſupplied but upon dear rates.

Theſe arguments prevailed with the Committee as to oats; but there being a very gainful trade carried on from Scotland to Norway for oatmeal, which it was worth while to encourage, as a trade that generally brought into Scotland a great deal of bullion and money in ſpecie; the Committee thought fit to place a bounty upon the exportation of the oatmeal as per the vote, and the ſtate of the time when the ſaid bounty ſhould be paid being fixed, when oats ſhall be no higher than fifteen ſhillings per quarter, there could be no danger that the greatneſs of the export ſhould influence the market at London, ſo as to make oats ſcarce or dear; ſince, after they came to fifteen ſhillings per quarter, no bounty money could be demanded.

This was founded upon ſo juſt a calculation of equalities in trade, that it met with no oppoſition in the Parliament.

MINUTE XXXVI.

Wedneſday, December 11, 1706.

Prayers ſaid.

Rolls called.

Then the following addreſſes were given in and read, viz. addreſs of the Preſbytery of Dumblain, ſubſcribing the ſame; addreſs of the Preſbytery of Hamilton, ſubſcribing the ſame; addreſs of the inhabitants of the parochins of Caputh, Lethendy, Alyth, and Kinloch, in Perthſhire, ſubſcribers of the ſame; addreſs of the inhabitants of the parochins of Errol, Kilſpendie, Kinnaird, Inchture, Longforgan, St. Madoes, and Kinfauns, in Perthſhire, ſubſcribing the ſame; addreſs of heretors, the miniſter, elders, and heads of families, in the paroch of Logie, ſubſcribers of the ſame; and addreſs of the parochins of Airth, Larbert, Dunipace and Deny, ſubſcribing the ſame; all againſt an Union with England in the terms of the articles.

Thereafter a propoſal given in for a farther addition to the ſixth article, in theſe terms, viz. "And that there be likewiſe a premium allowed for the ex-"portation of oats proportionally with the meal, compting three bolls of oats "to one quarter of meal;" ſo that the premium may be ten ſhillings Scots for every boll of oats exported.

Which being read, after debate thereupon, it was put to the vote, "Allow "a premium on the exportation of oats or not;" and it carried, "Not."

Then

victual, to commence the firſt [illegible] and to end the laſt of April, both next to come inclusive, given in and read; and agreed, that the ſame be taken into conſideration immediately after the report relating to the fifth article of Union.

Then a third report brought in from the ſaid Committee was read in theſe terms: "The Committee of Parliament appointed for conſidering the ſixth "article of the treaty of Union, [illegible] Parliament relative "thereto; having conſidered the matter to them referred, are of opinion, "that the duties upon the importation of [illegible] whites, bayes, [illegible] and all other [illegible] and plantations thereof, or any part thereof, over and above all other duties or impoſitions [illegible] and having conſidered the [illegible] relative thereto, "particularly the [illegible] are of opinion, that the ſame will [illegible] "ſaid duties [illegible] and others "to be exported, [illegible] of the ſaid duties or impoſitions whatſoever [illegible] "article of the treaty of Union, all parts of the United Kingdom are to have "the ſame [illegible] "equality that the [illegible] "neceſſary."

Which report the queſtion was put, "Approve of the [illegible] report, or "[illegible] and reverſed, [illegible] Approved.

Thereafter

OBSERVATION XXXVI.

Notwithstanding what was urged in the Committee, which I have noted above, and in which I was prolix, having had the occasion to make several of those observations for the service of the said Committee; [illegible] gentlemen in the Parliament insisted upon this allowing a drawback of [illegible] upon exportation of cure; but when the [illegible] which had been urged in the Committee, came to be offered to the Parliament, it was so convincing, that they soon acquiesced; and so it passed without, as per the minute.

The subsequent Reports of the Committee mentioned in this day's minutes, seemed only to add the authority of the Committee's examinations to what had before been offered in public, viz. That, after the Union, the exportation of linen and woollen manufactures would be free, and the several manufactures be under no restriction or regulations, but that either in transporting them to England, or exporting them to foreign parts, all was open and free by the Union.

And this report of the Committee was a full proof of what I have all along alledged, viz. That the common people of Scotland were intolerably imposed upon, especially in the accounts spread abroad relating to trade; and in this in particular, viz. That the Scots woollen and linen manufacture would be subjected to several restrictions and regulations in England, which could not be complied with.

This was grounded upon an office in England, granted by patent some years since, which was called the Aulnage, which amounted to no more than putting a seal and demanding a fee upon every parcel of woollen manufactures brought to London, under pretence of viewing if they were marketable;

but this duty or fee being a very ſmall trifle, and the power of inſpecting found deficient, it was of no force at all, and therefore, upon the Committee's examining this, they ſaw no ground of objection.

The next objection was about exportation; and here it is obſervable, that the oppoſers of the Union had not only ſuggeſted, but openly printed, and expoſed about the ſtreets ſuch abſurdities as theſe, That the Scots linen would not be admitted into England, but a great duty would be laid upon it to gratify the Dutch; that great duties were to be paid upon both linen and woollen manufactures on their exportation, and the like. Now, it was very happy, that theſe things came to be conſidered and examined by a Committee. For now it was evident,

1. That no duty could be laid on the tranſporting any linen or woollen goods from Scotland to England, which were the growth or manufacture of Scotland, the article of communication of trade having effectually taken off all impoſitions between the counties or ſhires of all Great Britain equally to all.

2. As to the duty on woollen goods, there never was any duty paid outward, but what was called the old ſubſidy of tonnage and poundage, which was five per cent. which had been effectually taken off, and that act repealed in the act of Parliament mentioned in the Report, and no duty at all was paid on any woollen manufacture whatever exported out of England, and by conſequence could not be out of Scotland.

3. All linen cloth was ſo free, that the duty on cloth imported to England from foreign parts, was all drawn back by certificate on the exporting it again, in order to encourage the ſaid exportation, and for linen exported made in Britain, it was ſo ſmall a trifle paid, viz. ſix pence on forty ells, that it was not worth notice.

This Report of the Committee put a great ſtop to the clamours that had been ſo loud upon the article of trade; and when this vote was made public, the people began to ſee they were impoſed upon, and that theſe things in England were miſrepreſented.

MINUTE XXXVII.

Thurſday, December 12, 1706.

Prayers ſaid.

Rolls called.

Ordered, That a ſcurrilous print, intituled, "Queries to the Preſbyterian "noblemen, barons, burgeſſes, miniſters, and commoners in Scotland, who "are for the ſcheme of an incorporating Union with England, according to the "articles agreed upon by the Commiſſioners of both nations," be burnt by the hand

hand of the common hangman at the Market Croſs of Edinburgh to-morrow, betwixt eleven and twelve of the clock, and the magiſtrates of Edinburgh appointed to ſee the ſame punctually done.

And remitted to the Committee of Parliament, to whom the ſixth and eighth articles of Union are remitted, to make inquiry anent the printer, author, and in-giver of the ſaid ſcurrilous paper.

A fifth Report was then brought in from the Committee, to whom the ſixth article of Union is remitted, and read in theſe terms, " The Committee of " Parliament appointed for conſidering the ſixth article of Union and propoſals " made in Parliament relative thereto, having conſidered the clauſe under- " written, are of opinion, that it ſhould be added to the article of Union as " follows : ' Excepting and reſerving the duties upon export and import of " ' ſuch particular commodities from which any perſons, the ſubjects of either " ' kingdom, are ſpecially liberated and exempted by their private rights, " ' which after the Union are to remain ſafe and entire to them in all reſpects " ' as before the ſame;" and after ſome reaſoning, it was put to the vote, " Approve of the ſaid fifth Report, or not," and it carried " Approve."

A ſixth Report, brought in from the ſaid Committee, was read in theſe terms, " The Committee are alſo of opinion, that there be a clauſe added to " the articles of Union in theſe terms, viz. ' That from and after the Union, " ' no Scots cattle carried into England, ſhall be liable to any other duties, " ' either on the public or private accounts, than theſe duties to which the " ' cattle of England are or ſhall be liable, within the ſaid kingdom."

And a vote was ſtated, " Approve of the ſaid ſixth Report, or not;" and it carried, " Approve."

A ſeventh Report was brought in from the ſaid Committee, and was read in theſe terms, " The Committee having conſidered the clauſe mentioned in " the twenty-ſeventh day's minutes, which was deſired to be added to the " articles of Union, viz. That Scotland ſhall be free from, and no ways ſubject " to, the prohibitions againſt exporting of wool, ſheep and lambs ſkins with " wool upon them, and woollen yarn, for the ſpace therein mentioned, after " full reaſoning thereanent, the Committee are of opinion, that the foreſaid " clauſe ought not to be added to the articles of the treaty, but that the ex- " porting of wool, ſheep and lambs ſkins with wool upon them, and woollen " yarn, ought to be under the ſame prohibitions as in England."

And after reaſoning, a ſtate of a vote was offered, " Approve of the ſaid " ſeventh Report of the Committee, as to all, except mort lambs ſkins, and " remit to the ſaid Committee to receive overtures for encouragement of wool " maſters and woollen manufactures, Yea or Not."

After ſome reaſoning, it was propoſed, that a premium be given upon exportation of coarſe cloth made of tarr'd wool, for encouragement of the wool maſters.

And thereafter a Reſolve was offered in theſe terms: " Reſolved, That there " ſhall be an encouragement provided to the heretors of wool counties, in " caſe the Report of the Committee anent the exportation of wool, &c. be " approven."

And after ſome reaſoning, a propoſal was given in for adding a clauſe in theſe terms: " And for remeiding the loſs wool-maſters may ſuffer, and for encou- " raging the manufacturing of tarr'd wool within the kingdom, and to prevent " effectually the exporting thereof, it is provided and declared, That for the " ſpace of ſeven years after the Union, when the tarr'd wool within the ſhires " of Roxburgh, Selkirk and Tweeddale, is at four pound Scots or under for " the ſtone weight, fifteen ſhilling Scots ſhall be payed of premium for every " ſtone weight of tarr'd wool, to every wool maſter, who within a month after the " ſaid tarr'd wool is clipped or ſhorn off the ſheep, ſhall, by his own oath, or the " oaths of two habile witneſſes, before any Judge Ordinar, make appear that the " number of ſtones of tarr'd wool ſpecified in the ſaid oaths were truly and " really clipt and ſhorn from ſheep in Scotland, properly belonging to the " perſons mentioned in the ſaid oaths; and which premium ſhall be payed the " next collector of ceſs, exciſes, or cuſtoms, upon delivering to them the " foreſaid depoſitions ſigned by the deponents, and Judge foreſaid, with a " receipt of the money, and the ſaid collectors, and each of them, ſhall be " perſonally liable for the ſaid premium, upon inſtruments taken againſt them " in caſe of refuſal, and the foreſaid depoſitions and receipts ſhall be allowed to " the ſaid collectors as an exoneration in their accompts *pro tanto*."

And after ſome farther debate, that the ſaid ſeventh Report be remitted back to the Committee, with the ſeveral propoſals made thereanent, a ſecond ſtate was offered for a vote, in theſe terms, " Approve of the ſaid ſeventh Report of " the Committee, or remit the ſame, and propoſals thereanent, back to the " Committee."

After debate, which of the two ſhould be the ſtate of the vote, whether firſt or ſecond, it was put to the vote, " Firſt or Second," and it carried " Firſt."

Thereafter the vote was put, " Approve of the ſeventh Report of the Com- " mittee as to all, except mort lambs ſkins, and remit to the ſaid Committee " to receive overtures for encouragement of the wool-maſters and woollen ma- " nufacture, or not;" and it carried, " Approve," in the terms of the ſtate.

Petition of John-Henry Huguetan and his factor, craving to be naturalized, and alſo craving a protection, read, and the conſideration thereof delayed till the firſt *ſederunt* of Parliament on private buſineſs, to be then taken into conſideration next after the act in favour of the burgh of Dundee.

The Committee appointed to meet in the uſual place to-morrow at nine o'clock.

Adjourned till Monday next at ten o'clock.

OBSER-

OBSERVATION XXXVII.

There was a clauſe in the treaty for the reſerving all private rights, &c. as per the 20th article; now, ſome of theſe private rights amounted to exemption from certain cuſtoms and exciſes, as particular privileges to this or that place or perſon, as at Glaſgow for encouragement of their ſugar-works, they are exempted from paying any exciſe for the ſpirits they diſtil from the melaſſes, bottoms, ſcummings, &c. and ſo in ſeveral towns they were exempted from ſuch and ſuch cuſtoms; theſe were of neceſſity to be exempted, becauſe by another article, as above, private rights on both ſides were to be preſerved.

Now, as this was for Scotland on one hand, ſo it was for England on another; for the city of Carliſle, and the family of Sir Chriſtopher Muſgrave, had an ancient right of taking toll of all the cattle which paſſed from Scotland to England, over ſuch paſſes or bridges as they had the Lordſhip of, and theſe by private rights were actually reſerved.

But the Committee having demanded here the taking away the toll, paid as above, the private right on the Engliſh ſide ceaſed; ſo that what ſeemed ſolid and confirmed by the Union in one part, was yet invaded and taken away by another. But to reconcile this matter, the Parliament of England interpoſed; and when ſome people thought they had now brought their affair to a head, and that now the treaty muſt break, behold, a medium was found out in England, viz. That the Parliament in England bought theſe private rights of the city of Carliſle, and of the family of Sir Chriſtopher Muſgrave, and giving them an equivalent for them, they acquieſced, and all ways were laid open for all manner of Scots or Engliſh goods to paſs and repaſs without any toll, ſtoppage, or interruption, whether cattle or corn, or any other kind of goods, except ſuch as (Scotland being exempted from the taxes of in this treaty for a time) were not to be carried into England during that limited time; or if they were carried in, were liable to the Engliſh duties as ſoon as they came into England, ſuch as ſalt, coals, malt, fiſh cured with Scots ſalt, &c. as is more particularly explained hereafter.

Thus the private rights in Scotland were preſerved entire, according to the treaty, and in England alſo; for if they were invaded by the treaty, the ſubject had ſuch ſatisfaction given him in money, as that he appeared willing to reſign thoſe rights; as the city of Carliſle for inſtance, who, I think, had two thouſand five hundred pounds ſterling given them, for parting with the right of toll upon Scots cattle, &c.

In

In this exact equality the ſixth Report of the Committee about Scots cattle became, as it were, ſettled; but it was objected, that the Parliament might hereafter lay on a particular tax upon the Scots cattle paſſing into England, either in favour of the Iriſh cattle, or upon any other ſubſequent occaſion which could not be foreſeen; and therefore the ſending lean cattle from Scotland into England, being ſuch a conſiderable article to Scotland, and on which the eſtates of the northern gentry did almoſt wholly depend, all their rents being paid them in cattle, for which they had no other vent or market, but their being ſent into England, and that any tax or toll being hereafter laid on them, might entirely put a ſtop to it, and conſequently impair, and almoſt ruin the eſtates of the gentry and nobility of Scotland. On this conſideration, it was thought fit by the Committee, to ſecure Scotland effectually from ſo much as a jealouſy or uneaſineſs about it, by making it a part of the Union, "That from and after the Union, no Scots cattle "carried into England ſhall be liable to any other duties, either public or "private, than the cattle of England." This was again an article of equality; for the caſe was, not to exempt the Scots cattle entirely from any tax, which the united Parliament might think fit to lay on cattle in general, if ever the article of general exciſes, ſo much talked of in England, ſhould be offered at; but to bring the Scots cattle upon a level with all the reſt of the cattle in England; and to provide that Scots cattle, *qua* Scots cattle, ſhould be under no particular national diſadvantage; and this was thought reaſonable on every ſide.

The ſeventh Report of the Committee requires ſome explication on ſeveral accounts. It was true, and no queſtion was to be made of it, that Scotland having then an open trade with France, without reſtriction, and that their wool was under no prohibition at all, but freely exported to France, or any other part of the world, and that this liberty being by the Union to be abſolutely and entirely reſtrained, the prices of wool in Scotland would of courſe very much fall, and the gentlemen of the ſouth and weſt parts of Scotland, ſuch as in Roxburghſhire, Selkirk, Tweeddale, and Galloway, whoſe eſtates very much conſiſted in the product of their ſheep, would receive a very ſenſible blow by it; though it was remarkable, that ſome people were for giving all Britain a worſe blow, to prevent the injury done to thoſe countries, viz. To allow exporting the wool; and ſome warm debates were upon this head.

To explain this, it was to be inquired into, under what kind of influence, and by whoſe management the trade of Scotland was at firſt laid open, and the exporting of wool permitted in general: this, as it produced no effect, but the ripping up old ſores, and reviving perſonal and party reflections, I

ſhall let fall. But this was certain, that whoever were the occaſion of it, the ſhipping off the wool from Scotland was very injurious to the public advantage of Scotland, a mortal wound given to the induſtry of the people, diſcouraging all attempts of manufacturing among them, which they were now coming into, and which their neighbours of England had ſo much been enriched by: it was apparent, that the ſmall exportation they formerly had of coarſe woollen manufactures to Swedeland and the Baltick, was now almoſt brought to a full ſtop, and the Swedes, on the contrary, took their wool from Scotland, which they had not been uſed to do, by which it was apparent, they having the wool, made the manufactures themſelves; and this was a dead loſs to Scotland, juſt ſo much as the employment and labour of their poor amounted to.

From this part of national ill huſbandry, no body could be ſuppoſed to receive any benefit, except the exporter and the wool maſter; ſo they call the gentlemen of Galloway, Roxburgh ſhire, &c. whoſe eſtates are very much depending upon ſheep.

This being the occaſion of the riſing the prices of their wool, and their advantage being thus begun in the error and injury of their country, it ſeemed to be no national affair to make good the loſs that was ſuppoſed now to happen by the Union; which was indeed but reducing things to where they were before, and taking away that advantage, which, if the eyes of their repreſentatives in former Parliaments had been open, they never had, and which it was the loſs of the whole kingdom, that they ever had at all.

However the Parliament, who, going upon the great ſcheme of equalities, ſo often mentioned, appeared willing to make all people eaſy; were ready and forward enough to have an allowance, by way of equivalent, given to the gentlemen that were ſheep maſters, and who ſhould be pinched by the falling of the price of their wool; but then it was debated, in what manner that equivalent ſhould be given; for, to give to particular perſons ſuch and ſuch a ſum of money, would ſeem partial, and be ſhort of the deſign; as it would be ſome perſonal ſatisfaction indeed, but no national ſatisfaction. The money given, therefore, ought to be for the public good; and this could be by no method ſo exactly ſtated to the circumſtance, as by appropriating the money to ſuch gentlemen, who being wool maſters, would apply that money to the manufacturing that wool in their own country; thereby both increaſing the conſumption of the wool, and ſetting the poor of their reſpective counties to work; this ſcheme had too much equity in it, and too much of the public good in it to be diſliked; nor did thoſe that oppoſed it pretend to object much againſt the reaſonableneſs of it; but ſtill it was oppoſed, and the reaſons for which it was oppoſed were manifeſt.

The

The party, who, as I have all along noted, ſought ſome occaſion or other to break off the treaty, had now this method only left, viz. To clog the affair with ſuch amendments or alterations, which they knew England either would not or could not grant; nor did they ſtick in converſation honeſtly to own, that they did not diſlike the reaſons of ſeveral things that they oppoſed, were they conſenting to the Union in general; but they were againſt the Union, and therefore they were obliged to oppoſe the particulars, in order to oppoſe the general.

Theſe gentlemen therefore very warmly argued for a freedom of exportation of wool, and for having it made a clauſe in the articles; which, if they had gained, they eaſily foreſaw the Union muſt ſplit upon that rock, for that England, who have made it felony, and always prohibited the export of their wool under the greateſt penalties, neither would or indeed could come into it.

It was urged, this liberty of exporting wool might be reſtrained to Scotland only; that it was abſolutely neceſſary to Scotland, for that they could not manufacture all their wool in their own country; that their wool was coarſe, and did not injure the Engliſh trade, ſince all their manufactures were of fine wool; that, if Scotland could not manufacture their wool, nor ſhould be ſuffered to export it, the wool would be of no uſe, but muſt periſh, and be good for nothing; that the manufactures now ſet up in Scotland being chiefly fine goods, were generally made of Engliſh wool; and after the Union, the wool from England being generally brought in thither, the wool of Scotland would be of no manner of value.

But theſe arguments were anſwered thus, That, to allow the exportation of wool from Scotland only, would oblige the Government to keep ſtill on the borders an army of officers, to ſearch and examine the paſſage of all goods paſſing between the kingdoms, and keep up that diſtinction of kingdoms, which, as to trade, as well as government, was to be wholly taken away by the Union; that, after all, it would be impoſſible to prevent the carrying of wool into Scotland, and conſequently the exportation of Engliſh wool with, or inſtead of, Scots wool.

In the next place, this would oblige the Government of Britain to a ſtrict prohibition of the bringing any Engliſh wool into Scotland after the Union, leſt the ſame ſhould be exported, which, after its being in Scotland, could not be ſo diſtinguiſhed as to be prevented; and that this prohibition would rob Scotland of all that advantage which it is propoſed ſhe ſhall enjoy after the Union, by her people being employed in the manufacturing of Engliſh wool.

Again,

Again, That this would deſtroy all freedom of commerce and communication of trade between the kingdoms, that all veſſels to and from Scotland muſt be viſited and ſearched equally with ſtrangers, and the face of an Union be ruffled with continued jealouſies of, and watchings againſt clandeſtine trade.

Laſtly, That it was inconſiſtent with the public good of Scotland in its proportion, as much as of England, and that it would effectually deſtroy the hopes of Scotland's increaſing in manufactures, and encouraging her trade by the employment of her poor.

As to the conſumption, it was urged, that England was always a market for wool, where it might be ſold without fail, at ſome price or other; and if the price was low juſt then, that was but a common calamity, the effect of the long war with France and Spain, in which they had ſtill a ſhare with their neighbours, but that the wool of Scotland would always ſell as well as the wool of England, in proportion to its fineneſs; and this led of courſe to the firſt propoſal, That what encouragement was poſſible to be given to the wool maſters by the treaty, ſhould be given them on the conditions of ſetting the poor to work in their reſpective countries, which, in that caſe, would have this double advantage, 1. The employment and ſubſiſtence of the poor; and, 2. The conſumption of the wool at home, which directly took off the pretended neceſſity of exporting it to other countries, for want of a vent of it at home, or their ſending it to England to be ſold, as they called it, for little or nothing. How well this money was paid after the Union, or when paid, how well applied to the common good of Scotland, is none of my buſineſs here to inquire.

I have been the longer in ſtating this caſe, becauſe it has been often objected to the Scots members of Parliament, that they were too forward to comply with the prohibition of wool, and that their country loſt a great advantage by it.

There was a pretended expedient then offered, about the manner of diſpoſing the equivalent to ſuch perſons, as had ſuch or ſuch certain quantities of tarr'd wool; but the reaſonableneſs of the above propoſal prevailed againſt any other, and therefore it needs not be inquired into.

MINUTE XXXVIII.

Monday, December 16, 1706.

Prayers ſaid.

Rolls called.

Addreſs of barons, freeholders, and others, within the ſhire of Berwick, ſubſcribers of the ſame; againſt an Union with England, in the terms of the articles, given in and read.

A ſcurrilous print, aſſerting the dependency of the crown and kingdom of Scotland upon the crown and kingdom of England, brought in, and ſeveral paragraphs thereof being read,

Ordered, That the ſaid ſcurrilous print be burnt by the hands of the common hangman, at the Mercat Croſs of Edinburgh to-morrow, betwixt eleven and twelve of the clock, and the magiſtrates of Edinburgh appointed to ſee the ſame punctually done.

An eighth report from the Committee, to whom the ſixth article of Union was remitted, brought in and read in theſe terms, viz. "The Committee of "Parliament, to whom the ſixth article of the treaty was remitted, having "conſidered the remit to them, with the books of rates both for Scotland and "England, and the ſeveral acts of Parliament relating thereto, the ſchemes "or abſtracts from the Cuſtom-houſe books, given in to them from the Council "of Trade, and the report thereanet of their Sub-committee, who, on a report "from them, had compared the cuſtoms and duties on export and import "ſettled in England, with theſe ſettled in Scotland, and had calculated the "duties payable in Scotland upon tar, tobacco, iron, dails, ſingle and double "trees, lint and lintſeed, and compared the ſame with the duties payable upon "the ſame goods in England, at a medium of the three years, whereof they "had the ſaid abſtracts from the Cuſtom-houſe books: they find, that as to the "cuſtoms and duties on export and import in general, the cuſtoms in Scot-"land belong to the Crown, and are perpetual, whereas thoſe in England ter-"minate at a certain number of years, viz. about two fifteen parts thereof, "at 8th March, 1709 years; nine fifteen parts thereof at 1ſt Auguſt 1710; "about three fifteen parts thereof continue only during Her Majeſties life; "and about one fifteen part thereof for ninety-five years; and that the duties "upon exportation, which were granted 12° Car. 2. Cap. 4. are eaſie, have "never been augmented, ſave upon a very few particulars, and terminate "the firſt of Auguſt 1710; that theſe goods which contribute to luxury, and "thoſe that are manufactured, or can be had within the iſland, are thoſe that "pay high duties when imported; but that the whole, or moſt of the cuſtoms "and duties paid at importation, are drawn back upon exportation, if ex-"ported within a certain time, except a moiety of old ſubſidy which is very

" ſmall, and which is impoſed by the foreſaid act 12° Car. 2. Cap. 4. and " terminates the firſt of Auguſt 1710: that the duties upon the before-men- " tioned goods, at the above medium, payable in Scotland, by the neareſt " calculation can be made, amounts to 253184l. 15ſh. 7d. and now payable " in England to 413559l. 8ſh. 4d. and payable in England after 1710 to " 129640l. 9ſh. 8d. Scots, and the duties upon our linen cloath and cattel " imported into England, by the above medium, amounts to 272629l. 3ſh. 10d. " money foreſaid: ſo that it is the opinion of the Committee, the duties after " 1710 will be much eaſier than now they are, and even as they ſtand now " payable in England, conſidering the duties that are upon Scots goods im- " ported into England, and taken off by the treaty, the cuſtoms of Scotland, " taken together, even before the firſt of Auguſt 1710, will be eaſier than now " they are."

And after ſome reaſoning thereon, a ſtate of a vote was offered, " Approve " of the ſixth article of Union, as explained and enlarged, or not."

But it being moved, That the vote could not be ſtated in theſe terms, in reſpect what concerned the African Company fell under the ſaid ſixth article, which was to be conſidered;

Whereupon it was agreed, That what concerns the African Company ſhall be intire, and be taken into conſideration under the fifteenth article, and that the approving of the ſixth article ſhall not be prejudicial thereto.

And the above ſtate for a vote being again propoſed, after ſome debate it was moved, " That the ſaid article ſhould be farther amended;" and thereupon a ſecond ſtate of a vote was offered in theſe terms, " Approve or amend."

Whereupon the ſaid ſixth article, with the ſeveral additions, enlargements, and explanations after mentioned, contained in ſeveral former minutes, viz. The word " drawback," to be inſert in both clauſes of the ſaid article. Item, " And " ſeing by the laws of England, notwithſtanding there are rewards granted " upon exportation of certain kinds of grain, wherein oats grinded or ungrinded " are not ſpecified, that from and after the Union, when oats ſhall be at fifteen " ſhillings ſterling per quarter, or under, there ſhall be paid two ſhillings and " ſixpence ſterling for every quarter of the oatmeal exported in the terms of " the law, whereby, and ſo long as rewards are granted for exportation of " other grains, and that the bear of Scotland have the ſame rewards as barley." Item, " And in reſpect the importation of victual into Scotland from any part " beyond ſea, would prove a diſcouragement to tillage; therefore, that the " prohibitions, as now in force by the law of Scotland, againſt importation of " victual from Ireland, or any other place beyond ſea, into Scotland, do, af- " ter the Union, remain in the ſame force as now it is, until more proper and " effectual ways be provided by the Parliament of Great Britain, for diſcou-

" raging the importation of the ſaid victual from beyond ſea." Item, " Ex-
" cepting and reſerving the duties upon export and import of ſuch parti-
" cular commodities, from which any perſons, the ſubjects of either kingdom,
" are ſpecially liberated and exempted by their private rights, which, after
" the Union, are to remain ſafe and entire to them in all reſpects as before the
" ſame." Item, " That from and after the Union, no Scots cattel carried into
" England, ſhall be liable to any other duties, either on the public or private
" accounts, than theſe duties, to which the cattel of England are, or ſhall be
" lyable within the ſaid kingdom :" being all read over, it was put to the vote,
" whether the firſt or ſecond ſhould be the ſtate of the vote," and it carried,
" Firſt."

Then the vote was put, " Approve of the ſaid ſixth article enlarged and ex-
" plained, or not ;" and it carried, " Approve."

Draught of an act for additional premiums on exportation of victual, to commence the firſt of February and to end the laſt of April, both next to come, again read, and a firſt reading ordered to be marked thereon.

The eighth article of Union read, and the firſt clauſe or paragraph thereof was alſo again read.

Whereupon a report brought in from the Committee, to whom the ſaid eighth article is remitted, was read in theſe terms :

" The Committee, to whom the eighth article of Union anent duties upon
" ſalt was remitted, are of opinion, that after the firſt clauſe of the ſaid
" article, an explanation in the terms following will be neceſſary :

" But, in regard the duties of great quantities of foreign ſalt imported
" may be very heavy upon the merchants importers ; that therefore all foreign
" ſalt imported ſhall be cellared and locked up under the cuſtody of the mer-
" chant importer, and officers employed for levying the duties upon ſalt ; and
" that the merchant may have what quantities thereof his occaſion may re-
" quire, not under a wey, or fourty buſhel at a time, giving ſecurity for the
" duty of what quantity he receives, payable in ſix months."

And after ſome reaſoning thereon, the farther conſideration of the ſaid eighth article and report was delayed till the next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXVIII.

The long report of the Committee on this point of the cuſtoms is very diſtinct, but may require ſome explanation, and in order to that, it is neceſſary to enter into the ſhort hiſtory of the reaſon of this calculation.

Two great complaints ran through the whole nation upon the ſubject of taxes and trade ; 1. That the Engliſh clogged the trade of Scotland with into-

intolerable burdens; and, 2. That they raiſed their cuſtoms, and would gain great ſums of money from Scotland by doing ſo; for the Scots had no notion of the equivalent, nor would they for a long time after this entertain any notion of it.

In order to clear up the objections of the people againſt the cuſtoms, the particular heads were referred to this Committee to examine.

The firſt were the duties on import, which the Committee obſerved very well, in England is always laid higheſt on ſuch goods as contribute to luxury, or are manufactured within the iſland, the firſt eſteemed leſs neceſſary, ſuch as wine, brandy, foreign linen, fruit, drugs, Eaſt India goods, coffee, tea, ſugars, tobacco, deals, timber, &c. Things we might live without, or might ſupply in part at home; or being willing to have, and being generally uſed by the richer ſort of people, the payments are leſs felt. The ſecond, For the encouragement of our own poor, who ought upon all occaſions to be employed; and if any thing which comes from abroad can be made at home, that home-part ought to be encouraged, by laying high duties and impoſts, or, perhaps, prohibitions on the like from abroad, ſuch are the prohibitions of, or high duties on, wrought ſilks, woollen manufactures, bone lace, Braſil ſugar, wrought iron, hats, glaſs, printed callicoes, pantiles, earthen ware, &c.

It was now objected in Scotland, that the cuſtoms there would be very grievous; that the Engliſh duties on tar, tobacco, iron, deals and timber, lint and linſeed, would be intolerable to the poor, and raiſe the cuſtoms of Scotland to a very great height.

The Committee examined the proportion of things, and ſetting the whole upon an equality, produced a very well grounded concluſion, That the cuſtoms of Scotland would be leſs to be paid after the Union than before; and it gave great ſatisfaction at that time, to thoſe people who were capable of receiving impreſſions from juſt calculations, when the calculations of this Committee really ſtated the balance of trade, for that was eaſy to draw out of theſe calculations: it had been offered in the Parliament, (with how little foundation, or how much aſſurance, I ſhall not determine,) 1. That Scotland got nothing by the Engliſh trade. 2. That Scotland was a conſiderable gainer by the French trade.

I ſhall not cenſure the people that offered this, as aiming at a French union, not an Engliſh; for they did not ſtick to own that; but it is not to the purpoſe here; I ſhall only conſider the ſtate of the trade of either kingdom, as it ſtood at this time, and as it was ſtated to the Parliament.

The trade to France ſtood thus:

Exported to France from Scotland,	*Imported from France to Scotland,*
Wool, leather, lead, and fiſh.	Wine, brandy, wrought ſilks, hats, glaſs, cork, roſin, fruit, and toys.

The

The ſeveral quantities of theſe, however uncertain, as the trade increaſed or decreaſed, had nevertheleſs this general proportion, That the wine and brandy imported into Scotland did over and above balance all the export out of Scotland to France by above one half part; the conſequence of which was, that the French trade muſt draw away ready money from Scotland for the other half, beſides all the other imports from thence, over and above this conſideration, That all the import from France was mere luxury and unneceſſary conſumption.

As to the ſtate of the trade between Scotland and England, it ſtood thus:

Imports to Scotland from England:	*Exports to England from Scotland:*
Houſe furniture, coaches, horſes, &c. by the gentry, which might be eſtimated at 10,000 l. per annum.	In the year as per contra.
Tobacco in one year from November 1699, to November 1700, 1,319,356 lb. amounts to about 22,000l. ſterling, per annum.	Linen cloth 1,346,174 ells.
	Cattle of all ſorts 57,078.
Sugars and grocery not in very great quantities, being ſupplied chiefly from Holland, perhaps in the whole 10,000 lb. per annum.	Linen yarn, ſtockings, fingrams, and ſterling ſerges, quantity uncertain.
All the Engliſh woollen manufacture prohibited.	

Note. The tobaccos and ſugars after the Union may, and 'tis not queſtioned, will be imported into Scotland from the Britiſh plantations, in return for the growth and produce of their own country; ſo that the whole trade to England, after the Union, would turn to the intereſt and advantage of Scotland.

Nor can I omit to add the experiment of this, to prove, that theſe calculations were not ſuppoſitions and remote, ſince in the very firſt year after the Union theſe conſequences in trade viſibly appeared, and which of my own certain knowledge I can take the freedom to advance.

1. That on the falling of the Engliſh duty on Scots linen, the demand for it was ſo great in the Engliſh markets, that it not only ſwept all the linen away, ſo that two months before the uſual time the whole quantity was gone, and the Engliſh merchants could get no linen for money; but the whole manufacture of linen advanced at leaſt two pence an ell upon the finer Scots linen, and one penny per ell on the coarſer ſorts, which was a great ſum in the whole.

2. In

2. In the very firſt year after the Union, Scotland ſhipped away for England, beſides ſeveral ſhips loaden for Portugal and other foreign parts, above 140,000 boll of corn, above 40,000 boll of which was carried out of the two ſmall counties of Merſs or Berwickſhire and Tiviotdale, 20,000 boll and more out of the ſingle county of Fife, and the reſt from the ſhires adjoining to the Firth, and ſome parts from the North.

3. In the firſt year after the Union the Scots fitted out ſeveral ſhips, I think ſeven or eight, to the Engliſh plantations, freighted with their own produce, the return of which being in tobacco or ſugars, &c. have this advantage to Scotland, That firſt, the ſaid tobacco and ſugars ſupply their own conſumption, and keep that money at home which uſed to go to England and Holland to purchaſe their ſupply. And ſecondly, The overplus which they cannot expend they export to Holland and Ireland, which returns to the advantage of the public ſtock.

4. In the very firſt year after the Union Scotland had three or four ſhips returned home from Italy and Portugal, bringing home wines from Leghorn and Galitia; theſe being the return of fiſh from Scotland, could now return with their freights to their own country, where before, by reaſon of the French wines, they could have no conſumption, but were obliged to load to other ports, and come home empty.

If any man pleaſes to calculate theſe things, and ſee the advantages of theſe foreign trades, and particularly of the Engliſh, and the return of money that muſt, by conſequence, be made to Scotland annually by ſuch a trade; and again, how little of any kind of goods Scotland takes from England in the room of it, except what they took from Holland before: the ſuppoſition of the compariſon between the Engliſh trade and the French trade, as to an advantage to Scotland, muſt fall to the ground, and the true ſtate of the balance muſt have been ſomething like, if not exactly thus:

That, in an open trade with France, Scotland muſt have paid to France 100,000l. ſterling per annum in ſpecie, or their balance of trade would have been againſt Scotland 100,000l. per annum at leaſt.

That, in the trade with England, Scotland will receive from England at leaſt 200,000l. per annum in ſpecie, or the balance of trade will run on the ſide of Scotland 200,000l. per annum.

And yet this is no loſs to England either, ſince the iſland being now made but one kingdom, this wealth, while it goes but to Scotland, circulates in her own bounds, and, ſpeaking of Britain, is all contained and preſerved within herſelf.

MINUTE

MINUTE XXXIX.

Tueſday, December 17, 1706.

Prayers ſaid.

Rolls called.

The firſt clauſe or paragraph of the eighth article of Union again read, with the report of the Committee in relation thereto, for explanation of the ſame, inſert in the former day's minutes.

And after reaſoning thereupon, the vote was ſtated, "Approve of the ſaid "firſt paragraph, with the report of the Committee for explanation of the "ſame, yea or not."

And before voting, the ſaid paragraph, and report of the Committee for explanation of the ſame, were again read.

Then the vote was put, "Approve or not," and it carried, "Approve."

Then that clauſe of the ſaid eighth article of Union, anent the ſalting of fleſh for exportation, or victualling of ſhips, read; as alſo a report of the Committee relative thereto, for altering the ſame, which, after ſome reaſoning, was amended, and again read in theſe terms: "And for eſtabliſhing an equality in trade, "that all fleſhes exported from Scotland to England, and put on board in "Scotland to be exported to parts beyond the ſeas, and proviſions for ſhips in "Scotland, and for foreign voyages, may be ſalted with Scots ſalt, paying the "ſame duty for what ſalt is ſo employed, as the like quantity of ſuch ſalt pays "in England, and under the ſame penalties, forfeitures, and proviſions, for "preventing of frauds, mentioned in the Engliſh laws."

And after farther reaſoning thereon, it was put to the vote, "Approve of the "report as amended or not;" and it carried, "Approve."

Then the following clauſe of the ſaid eighth article of Union, in relation to the continuing in force the laws and acts of Parliament in Scotland for pining, curing, and packing of herrings, white fiſh, and ſalmond, for exportation, with foreign ſalt only, and for preventing of frauds in curing and packing of fiſh, was read; as alſo a report brought in from the Committee for adding a clauſe thereto in theſe terms: "But in reſpect it appears from the books of the royal "fiſhery company, confirmed by practice, that the quantity of $102\frac{1011}{1100}$ of "pound weight Aver de Pois of foreign ſalt, which pays eight ſhillings and "four pence of duty, is neceſſary for the right curing and packing a barrel of "white herrings; therefore there ſhall be allowed and paid, during the preſent

"allowances

" allowances for other fiſhes, for every barrel of white herrings which ſhall be " exported, ten ſhillings ſterling."

Thereafter a petition of the ſalt owners, fiſhers of herring and white fiſh, and others who make uſe of Scots ſalt, was given in, craving, that ſuch amendments might be made to the ſaid eighth article of Union, as would put them in an equal footing with their neighbours in England, with regard to their ſalt, and alſo the freedom of making ſalt upon ſalt.

Which being read, after ſome debate thereon, and upon the above laſt inſer report of the Committee, the farther conſideration was delayed till the next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XXXIX.

The report of the Committee on the firſt paragraph of the eighth article is printed in the precedent minute relating to the payment of ſalt. The payment of equal duties on foreign ſalt was not objected, but it was argued, tha the Scots merchants being poor, and being nevertheleſs obliged to import large quantities of foreign ſalt at the proper times, which muſt lye by till the ſeaſon for uſing the ſame; and the duties being now very large which were to be paid, they might not be able either to advance the money, or find ſufficient ſecurity for the duties, as the law in that caſe provided. And therefore this amendment was made for the eaſe of the merchant, which was both reaſonable to the government, and eaſy to the merchant, and took off all pretence of quarrel upon the diſburſe of money, or lying out of ſtock.

The ſecond report upon the eighth article was founded upon equal reaſoning. It had been agreed in England in the ſaid eighth article, That all fleſh ſalted in Scotland and carried to England, or fleſh ſalted in Scotland for victualling ſhips, or exportation, ſhould be forfeited, if cured with Scots ſalt: but this was counted a hardſhip on ſeveral accounts, and England being allowed to cure all ſorts of fleſh with their own, whether for their own conſumption, victualling of ſhips, or exportation, it ought to be alſo allowed to Scotland, by virtue of the ſubjects enjoying equal allowances and reſtrictions—Article VI. Wherefore the Committee made this amendment, That the Scots might cure fleſh with their own ſalt, provided all fleſh ſo cured, that was either ſent for England, or uſed in victualling ſhips, or exported for ſale, ſhould be charged with the duty on ſalt paid in England.

The third Report upon the eighth article concerned the laws in force in Scotland for curing and packing of herring, white fiſh, and ſalmon, which, by this article, were reſerved. Theſe laws were the 5th act, 3d ſeſſion, 1ſt

Parliament, King William and Queen Mary, appointing " all herrings and " ſalmon for export be made, pined and cured with French bay, or Spaniſh " ſalt, or with ſalt upon ſalt made of foreign ſalt." The 24th act 7th ſeſſion of the ſame Parliament, " confirming the ſame, and directing the proof of " it," with a confirmation of the 34th act of 2d ſeſſion of the ſame Parliament, for drawbacks on herrings and ſalmon exported.

But upon this new treaty, reſpecting the Engliſh duty on ſalt, it was calculated, as you ſee in the minute, that the ſalt commonly uſed in curing a barrel of herrings amounted to about nine ſhillings per barrel; and in regard of waſting of the ſalt, loſs in carrying, &c. they reſolved to put it at ten ſhillings per barrel, which fully anſwered the petition of the fiſh and ſalt merchants mentioned in the ſame minute.

MINUTE XL.

Wedneſday, December 18, 1706.

Prayers ſaid.

Rolls called.

Addreſs of the town and parochin of Lawder and Chainhilkirk, ſubſcribing the ſame; and addreſs of heretors, liferenters, elders, parochioners and remanent indwellers, in the paroch of Calder, ſubſcribers of the ſame; both againſt an union with England in the terms of the articles, given in and read.

Thereafter another report brought in from the Committee, to whom the eighth article of Union is remitted, was read in theſe terms, " That white herrings, " red herring, ſalmond, dry or barrelled cod, and all fiſhes cured or packed in " order to exportation, ought to be cured and packed with foreign ſalt allen- " narly, and that it does require four bolls of foreign ſalt to cure and pack a " laſt of white herrings."

And after much debate thereupon, a motion was made for amending that clauſe of the ſaid eighth article of Union mentioned in the former day's minutes, in relation to the continuing in force the laws and acts of Parliament in Scotland " for pining, curing, and packing of herrings, white fiſh and ſalmon " for exportation, with foreign ſalt only," by adding theſe words thereto, " without any mixture of Britiſh or Iriſh ſalt."

And the addition being accordingly made, the clauſe as ſo amended was read over.

And after ſome farther debate, the vote was put, " Approve the ſaid clauſe " as amended, yea or not," and it carried " Approve."

Thereafter it was propoſed, that the Parliament ſhould proceed to conſider the drawbacks.

And

And it was alſo propoſed, that the Parliament ſhould proceed to conſider how far allowance ſhould be given for importation of foreign ſalt, in order to the making ſalt upon ſalt; the farther conſideration whereof was delayed till the next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XL.

The report of the Committee laſt day was now only conſidered, with relation to the main part of the queſtion, Whether their fiſh ſhould be cured with foreign ſalt only, or not; and it was agreed it ſhould be ſo.

It was counted a very great hardſhip, that the fiſh cured in Scotland ſhould not be cured but with foreign ſalt; ſome people alledging, that the ſalt made in Scotland would cure the herring as well as foreign ſalt. But it had been found by experience, that the fiſh cured with Scots ſalt, did not keep, nor was it equal in goodneſs when it came to market, which added to the diſputes which would ariſe in the article of the drawbacks, now coming on to be debated, made the Parliament poſitive in that part, viz. that all fiſh cured for exportation ſhould be cured with foreign ſalt, without any mixture of Britiſh ſalt.

In giving drawbacks and allowances for the exportation of fiſh, on account of the ſalt, it had here been impoſſible to come to an equality, ſince no officer could have been ſure which had been cured with Britiſh ſalt, and which with foreign ſalt, and which with a mixture of either.

It was then alledged, that the Dutch importing their ſalt from St. Ubes, remake the ſalt, boiling it again when they come to Holland, which they call ſalt upon ſalt, and that their herrings are cured with the ſaid ſalt, which being of a finer and ſubtler quality than the other ſalt, is of advantage to their ſaid trade; and that the aforeſaid encouragement ſhould be given to the Scots to do the ſame. But this came to nothing.

MINUTE XLI.

Thurſday, December 19, 1706.

Prayers ſaid.

Rolls called.

Thereafter the laſt clauſe of the eighth article of Union, in relation to the allowing of premiums and drawbacks, was read; as alſo a report brought in from the Committee, to whom the ſaid eighth article was remitted, inſert in the

minutes of the 17th inſtant, Number 39, in theſe terms: " But in reſpect it " appears from the books of the Royal Fiſhery Company confirmed by prac- " tice, that the quantity of 102$\frac{10}{1160}$ of pound weight Aver de Pois of foreign " ſalt, which pays eight ſhillings and four pence of duty, is neceſſary for the " right curing and packing a barrel of white herrings; therefore there ſhall be " paid, during the preſent allowances for other fiſhes, for every barrel of white " herrings which ſhall be exported, ten ſhillings ſterling."

And another Report brought in from the ſaid Committee was alſo read, in theſe terms: " That ſixteen ſhillings and eight pence upon every barrel of ſal- " mond, ſix ſhillings and eight pence upon every barrel of red herrings, that " two pound ten ſhillings upon every hundred cod-fiſh, ling, or haick, of " twenty-four inches and upwards, from the bone in the fin to the third joint of " the tail; one pound fifteen ſhillings ſterling for every ſuch fiſh of the length " of eighteen inches and upwards, and under twenty-four inches, and one " moiety of the foreſaid allowance for every ſuch fiſh dried, commonly called " Haverdens, of the like dimenſions, (being the drawbacks allowed by the " Engliſh laws upon the exportation of theſe fiſhes) are ſufficient encourage- " ments."

And after reaſoning on the above ſeveral reports, it being moved a higher drawback ſhould be allowed upon the exportation of white herrings,

After ſome debate thereon, the ſaid laſt clauſe of the eighth article of Union was agreed to, with this addition, " That there ſhall be allowed and paid to the " ſubjects, inhabitants of Great Britain, during the preſent allowances for other " fiſhes, for every barrel of white herrings which ſhall be exported from Scot- " land, ten ſhillings and five pence ſterling."

Thereafter another report brought in from the ſaid Committee, was likewiſe read, in theſe terms: " That there ought to be no drawback upon the exporta- " tion of ſalted beef and pork;" and after debate thereupon, the farther conſideration thereof was delayed till the next *ſederunt* of Parliament.

Adjourned till to-morrow ten o'clock.

OBSERVATION XLI.

The difficulty now lay about ſettling the drawbacks upon the exportation of fiſh; and the rule the Committee had gone upon ſeemed the readieſt way to determine it, viz. They laid the Engliſh drawbacks before them, and examined then the quantity of ſalt uſed in curing every reſpective kind of fiſh, and then comparing the whole, tried whether the drawback allowed was adequate and proportioned to the duty paid upon the quantity of ſalt uſed in the curing.

Now

Now though this was exactly calculated and preſented to the Houſe, yet ſeveral motions and ſpeeches were made for a larger drawback; ſome alledged the neceſſity of encouraging the fiſhery in Scotland, and that therefore the Government ought to make larger allowances: but when they ſaw that whatever the allowance ſhould be which they ſhould obtain, the Engliſh would obtain the ſame, they dropt that part of the argument.

The herrings, indeed, they had longer debates about; and after ſome reaſonings upon the waſte of the ſalt, the carriage, and other pretenees, they obtained the allowance of ten ſhillings and five pence to be paid to the exporter, for every barrel of herrings cured with foreign ſalt and exported, which was five pence per barrel more than the Committee had at firſt determined.

MINUTE XLII.

Friday, December 20, 1706.

Prayers ſaid.

Rolls called.

Then the debate mentioned in the minutes of the laſt *ſederunt*, in relation to the allowing of drawbacks upon the exportation of beef and pork, was reſumed; and after ſome farther debate thereupon, the vote was ſtated, "Approve of the "report of the Committee," or "Alter."

And before voting it was agreed, that the members votes ſhall be marked, and that the liſt of their names as they ſhall vote ſhall be printed and recorded.

Then the vote was put, "Approve or alter," and it carried, "Alter."

Thereafter moved, That the Parliament now proceed to the conſideration of what drawbacks ſhall be allowed upon the exportation of beef and pork.

Moved alſo, That the conſideration thereof be delayed till the next *ſederunt* of Parliament. And after ſome reaſoning,

Agreed, That the conſideration of what drawbacks ſhall be allowed upon the exportation of beef and pork be delayed till next *ſederunt* of Parliament.

OBSERVATION XLII.

The drawbacks propoſed upon beef and pork to be exported were now the ſubject of debate; it had been examined in the Committee, and they finding

finding that, 1. The Engliſh had no allowance made them on beef and pork cured for exportation; and, 2. That the quantity of beef and pork ſo ſalted and exported out of England, or out of Scotland, was very inconſiderable, had reported, "That there ought to be no drawbacks upon the "exportation of ſalted beef and pork," as in the minute of December 19.

But when this came to be debated in the Parliament, it was all unravelled again: ſome gentlemen would have it, that Scotland was able to export great quantities of beef, ſalted and cured, to foreign parts; nay, ſome had before carried it farther, and in their arguing for a trade with France, had advanced what had never before been heard of, viz. That Scotland ſhould ſupply France with beef, as they have formerly been ſupplied from Ireland, and propoſed infinite advantages from ſuch a trade.

But theſe gentlemen were ſoon ſilenced, when it was examined a little upon what conditions, and in what quantities Ireland was able to ſupply, and did ſupply, not France and our iſland colonies only, but were able to ſupply all the parts of the world, where beef was generally exported: that at that time beef in any quantity was to be bought ready cured in Ireland, including the ſalt and the caſk it was packed in, at a halfpenny ſterling per pound, and that England was ſo convinced of this, that they could export no fleſh, but ſent their ſhips generally to Ireland to load beef for their iſlands, and that France, upon all occaſions, got their beef, if poſſible, from Ireland, for the victualling their navies and merchant ſhips. Again, that the cattle in Ireland were larger and fatter than in Scotland, and their quantity ſo great, that England was obliged to prohibit their being brought over thither, otherwiſe they would over-run the three kingdoms with the quantity; and that Scotland having leſs quantity of feeding grounds, and their cattle being generally leſſer, it was not poſſible that they could ſupply the quantity of beef, or any thing near the price with the Iriſh; and that therefore it could not be ſuppoſed the exportation of beef from Scotland could be conſiderable any more than from England: and on this foot it was that the Committee made their report, that it was not needful to allow any drawback upon the exportation of beef, England at the ſame time having no allowances granted in the ſame caſe.

But a new objection turned the ſcale. It was offered by ſome, that in the north eaſt parts of Scotland, viz. at Aberdeen and the country adjacent, there was a new and very advantageous trade, lately erected for feeding ſwine, which being made fat with corn in great quantities, (and that being a conſumption of the produce of the land) the fleſh was cured and ſalted, barrelled and exported to Holland for ſale: and that this was a trade which ought to be encouraged. It was added, that this, as it was an

vantageous

advantageous trade to Scotland, ſo it was a growing trade, and might in time increaſe to a very great degree, the Dutch demanding every year more quantities than the country had been yet able to ſupply; that there had been ſeveral years exported from 1500 to 2000 barrels of ſalted pork from Scotland to Holland, the Dutch uſing the ſame for victualling their Eaſt-India ſhips, and other ſhips that went upon long voyages.

This had ſome appearance of argument in it, and being puſhed very heartily at, in behalf of the Aberdeen merchants, brought the Parliament to alter the report, and agree to an allowance upon the exportation of pork, and afterwards of beef and pork, the beef being brought in by the by.

It had been ſaid, as above remarked, that the Iriſh beef was exported cheaper than Scotland could afford it; it was therefore argued, that Scotland ought to have the drawback allowed on their beef, to encourage the exportation, and if poſſible, to ſet them upon an equal foot with Ireland, in the trade of exporting beef, which, though it was proved, was not probable; yet as the affirmative carried ſome poſſibility, and the negative ſeemed to be of no great conſequence, the members came into it, and they paſſed together.

MINUTE XLIII.

Monday, December 23, 1706.

Prayers ſaid.

Rolls called.

Then the Parliament proceeded to the conſideration of what drawbacks ſhall be allowed upon the exportation of beef and pork.

And after ſome debate thereon, a clauſe was offered in relation thereto, in theſe terms; "And that there ſhall be allowed four ſhillings ſeven pence half "penny ſterling for every barrel of beef or pork, ſalted with foreign ſalt, and "exported for ſale, alterable by the Parliament of Great Britain." And after farther reaſoning,

Agreed, that the drawbacks ſhall be five ſhillings ſterling for every barrel of beef or pork; and the clauſe was accordingly ſo amended and read.

Thereafter it was propoſed, that the ſaid drawback ſhall not be alterable by the Parliament of Great Britain, during the continuance of the duty upon ſalt in England.

And after ſome debate there were two ſtates of a vote offered, the firſt in theſe terms, "Approve of the above clauſe, viz. And that there ſhall be al- "lowed five ſhillings ſterling for every barrel of beef or pork ſalted with "foreign ſalt, and exported for ſale, alterable by the Parliament of Great "Britain, yea or not:" And the ſecond ſtate in theſe terms, "Continue the

"premium

"premium of five ſhillings upon the barrel of beef and pork, till the ſame be "altered by the Parliament of Great Britain, or during the impoſition on ſalt."

And after ſome reaſoning, which of the two ſhould be the ſtate of the vote, firſt or ſecond, it was put to the vote, "Firſt or ſecond."

And before voting it was agreed, that the member's votes ſhall be marked, and that the liſt of their names as they ſhall vote, ſhall be printed and recorded.

Then the vote was put, "Firſt or ſecond," and it carried, "Firſt."

Thereafter it was put to the vote, "Approve the clauſe or not;" and it carried, "Approve."

Thereafter the clauſes of the eighth article of Union in relation to Scots ſalt, were read, and the firſt clauſe or paragraph thereof again read; and after ſome reaſoning thereon, it was moved, "That the exemption from the duty of Scots "ſalt, provided by the ſaid clauſe to be for ſeven years, ſhall be perpetual;" and after ſome farther debate, the conſideration thereof was delayed till next *ſederunt* of Parliament, to be then reſumed previous to all other buſineſs.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLIII.

The debates about the drawbacks on beef and pork ended now in a ſhort queſtion; whether it ſhould be four ſhillings ſeven pence per barrel, or five ſhillings: and the difference being of no great conſequence, the ſame arguments that carried it before to have any drawback at all, carried it now to have that drawback ſettled at the largeſt rate of the two, ſo that affair ended.

Then the Houſe proceeded to the grand affair, the exemptions from the ſalt tax in England. Great quarrels were raiſed at the conceſſions made by the treaters in this caſe, who had exempted Scotland from the duties on ſalt payable in England for ſeven years only; whereas it was alledged, that the ſalt tax was a burden intolerable for Scotland, and that they would no more be able to bear that duty in ſeven years, than now; and that therefore they ought not to have ſubjected Scotland to it at all; that it had been allowed, the ſalt tax was a burden chiefly laid upon the poor, the poor people in Scotland feeding much upon ſalt meats, and uſing great quantities of ſalt: that to lay a tax on their ſalt, was to aſſiſt in ſtarving them, and the like. This was an argument ſo pleaſing, and ſo much improved without doors, that it made the oppoſers of the Union grow popular, and ſeem as if they were but mere advocates for the poor; that they were now really defending their country, which the Commiſſioners had abandoned, and ſhewed, that the concern for the burdening Scotland with unreaſonable ex-

actions had not been part of their buſineſs. Great hopes therefore were conceived from this debate by ſome people, who had the deſtruction of the treaty chiefly in their eyes; for, as the ſtruggle had not been ſmall in England to obtain an exemption from the ſalt tax to Scotland for ſeven years, it was more than probable, that if a perpetual exemption was inſiſted on, the Engliſh Parliament would refuſe it, and ſo the Union might ſplit upon that rock; which being ſo ſpecious, and ſeeming to be all done in mere concern for the poor of Scotland, would therefore engage all the people of Scotland in defence of it; but this cloud vaniſhed afterwards, though at firſt it looked black enough.

MINUTE XLIV.

Tueſday, December 24, 1706.

Prayers ſaid.

Rolls called.

Addreſs of gentlemen and heretors of the parochins of Mayboll, Kirkmichael, Girvan, Kirkoſwald, and Barr, and of the magiſtrates and town council of Mayboll, and other inhabitants of the ſaid parochins within the juriſdiction of Carrick, ſubſcribers of the ſame; againſt an Union with England in the terms of the articles, given in and read.

Thereafter theſe clauſes of the eighth article of Union, in relation to Scots ſalt, were again read.

And after ſome reaſoning thereon, a clauſe was given in to be added thereto, in theſe terms; "And with proportional drawbacks and allowances as in Eng- "land, with this exception, that Scotland, after the ſaid ſeven years, ſhall "remain exempted from the duty of two ſhillings and four pence a buſhel "on home ſalt, impoſed by an act made in England in the ninth and tenth "of King William the Third of England; and if the Parliament of Great "Britain ſhall, at or before the expiring of the ſaid ſeven years, ſubſtitute any "other fund in the place of the ſaid two ſhillings and four pence of exciſe on "the buſhel of home ſalt, Scotland ſhall, after the ſaid ſeven years, bear a "proportion of the ſaid fund, and have an equivalent in the terms of the "treaty."

And after farther reaſoning on the ſaid clauſe, another clauſe was given in in theſe terms: "But Scotland ſhall, in all time after the Union, be exempted "from paying of all duty or tax on ſalt made in Scotland, in ſo far allennarly, "as the ſaid ſalt ſhall be made uſe of within that part of Great Britain now "called Scotland; but all ſalt made in Scotland, from and after the Union, "that ſhall be exported to that part of Great Britain now called England, or "to any other nation in ſpecie, or that ſhall be imployed in ſalting of fiſh or "fleſh to be exported, or for victualling of ſhips to go to England, or any

" other nation, ſhall be lyable to the ſame duties as ſhall be then payable for " ſalt made in England, to be levyed and ſecured in the ſame manner, and " with the like drawbacks and allowances as in England; and that, after the " Union, no ſalt whatſoever be brought from Scotland to England by land, " in any manner, under the penalty of ."

And after farther debate on the ſaid two clauſes, the vote was ſtated, " Ap- " prove of the firſt clauſe or ſecond."

But before voting, it was agreed, that the members votes ſhall be marked, and that the liſt of their names, as they ſhall vote, be printed and recorded.

And the Duke of Athole gave in the following proteſt; " Whereas ſalt is " the moſt uſeful and neceſſary ingredient in all ſorts of victuals, any duties " or exciſe on the ſame may prove a moſt grievous and inſupportable burden, " eſpecially on the commons; I do therefore proteſt for myſelf, and in name " of all who ſhall adhere, that the people of this kingdom now called Scot- " land, ſhall be free for ever of any duties and exciſes on the ſalt made within " this kingdom."

Which being read, he took inſtruments thereupon.

Then the vote was put, " Approve of the firſt clauſe or the ſecond," and it car- ried, " Firſt." And at calling of the rolls, the Duke of Hamilton, the Marquis of Annandale, the Earl of Errol, the Earl of Mariſchal, the Earl of Caithneſs, the Earl of Wigtoun, the Earl of Galloway, the Earl of Selkirk, the Viſcount of Stormount, the Viſcount of Kilſyth, the Lord Saltoun, the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beil- haven, the Lord Colvil, the Lord Kinnaird; George Lockhart, of Carnwath; Andrew Fletcher, of Saltoun; Sir Robert Sinclair, of Longformacus; John Sinclair, younger, of Stevenſon; Mr. Alexander Ferguſon, of Iſle; John Briſ- bane, younger, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; James Grahame, of Bucklyvie; Robert Rollo, of Powhouſe; Sir Patrick Murray, of Auchtertyre; John Murray of Strowan; Mr. Thomas Hope, of Rankeilor; Mr. Patrick Lyon, of Auchterhouſe; Mr. James Carnagie, of Phinhaven, Da- vid Grahame, younger, of Fintrie; James Ogivie, younger, of Boyn; Alex- ander Mackgie, of Palgown; Mr. George Mackenzie, of Inchcoulter; Alex- ander Robertſon, Alexander Watſon, Alexander Edgar, John Black, Francis Moliſon, Robert Scot, Robert Kellie, Archibald Shiells, Mr. John Lyon, Sir David Cuninghame, George Home, and Mr. Robert Frazer, adhered to the Duke of Athole's proteſt.

Thereafter it was moved, " To read over the ſaid eighth article of Union, " with the ſeveral additions and alterations, in order to the approving thereof."

But it being moved, " That the ſaid article, with the additions and altera- " tions, ſhould be firſt tranſcribed," the ſame was delayed till the next *ſederunt* of Parliament.

Adjourned till Thurſday next at ten o'clock.

OBSER-

OBSERVATION XLIV.

The debate of the laſt day being renewed, occaſioned ſome warmth in the Houſe, and great arguings there were about the poor in Scotland being unable to pay the tax upon ſalt at all, and that therefore they ought not to be left to the mercy of the Britiſh Parliament; the matters alſo of the diſproportion in the duties to the value in the reſpective kingdoms, was alſo made a ſtrong motive againſt the duty being laid upon the Scots, as a plain inequality; ſince, as the duty on ſalt lay then, being taxed by weight, the Scots ſhould pay ſixteen ſhillings four pence, upon what in their country yielded, excluſive of the duty but three ſhillings; whereas the Engliſh ſhould pay no more on the value of ten ſhillings ſix pence, which was a great diſparity in the taxation by value. But to this it was anſwered, if the bulk or quantity of ſalt was equal, and Scotland having their ſalt made juſt where it was expended, had, or could buy as much for three ſhillings, as the Engliſh had or could buy for ten ſhillings ſixpence; the weight of the ſalt being the ſame, they were ſo much the better able to pay ſixteen ſhillings four pence on that quantity of ſalt in Scotland, by how much it was had cheaper by ſeven ſhillings ſix pence in its firſt coſt, than the Engliſh were, who were obliged to pay ſeven ſhillings ſix pence for the ſame quantity in its firſt coſt, than the Scots paid.

To this again was objected, the poverty of Scotland, and the difference this made in the price of ſalt to the poor; how neceſſary the ſalt was to the ſubſiſtence of the poor, and how much it would raiſe the price, to the general diſcouragement and impoveriſhing the labouring part of the people, the Engliſh duties being very near one penny per pound ſterling upon the ſalt, moſt of which duty would lie on thoſe who were leaſt able to bear it; and this, as I noted before, made the argument become popular, and the oppoſers of the Union began to be counted patriots, who ſtrove merely for the ſecuring their country from unreaſonable and inſupportable taxes.

It is neceſſary to note here, in order to let the reader into a true ſtate of this queſtion, what the Engliſh duties on ſalt were, which were thus ſtrenuouſly argued againſt: they were in ſhort thus;

Twelve pence per buſhel on ſalt, each buſhel to weigh fifty-ſix pounds averdupois weight, granted by the Engliſh Parliament anno 5° William and Mary, appropriated to the year 1710.

Twenty-eight pence per buſhel, weighing as above, granted 9 King William, and appropriated for the payment of annuities redeemable by Parliament.

As may be ſeen more at large in the Appendix.

The treaters at London had agreed on both hands, to exempt Scotland from the whole tax upon ſalt for ſeven years, as appears in the obſervations on the minutes of the eighth article in that treaty, but had then left it, with a conceſſion, that then Scotland ſhould pay as England ſhould pay at that time; only it was ſuppoſed, the Britiſh Parliament would conſider whether Scotland was any better able to pay then than before, according to that clauſe added in the fourteenth article, viz. "That it could not be "ſuppoſed that the Parliament of Great Britain would ever lay any ſorts "of burdens upon the united kingdom, but what they ſhould find of ne-"ceſſity at that time for the preſervation and good of the whole, and with "due regard to the circumſtances and abilities of every part of the united "kingdom."

But it was again alledged, that the words in this eighth article, viz. "But from the expiration of the ſaid ſeven years, Scotland ſhall be liable "to the ſame duties for ſalt made in Scotland, as ſhall be then payable for "ſalt made in England:" Vide the treaty at London, article VIII. page 199. obliged the Scots to the payment, and put it out of the power of the Parliament of Great Britain to alter it; and that therefore the Parliament of Scotland ought to take effectual care to prevent it, and to ſecure the people of Scotland againſt it.

There were a great many ſpeeches made on this ſubject, and ſomething harſh enough paſt on both ſides, which I care not to relate, for the ſake of the gentlemen that ſhewed themſelves a little out of temper here: but at length a medium was propoſed in the terms of the firſt clauſe of the minute, which exempted Scotland from the two ſhillings four pence per buſhel, mentioned above, and appropriated to the Eaſt-India Company, and let the twelve pence per buſhel ſtand, as a thing not of ſo much conſequence:

1. Becauſe the ſum was not ſo conſiderable as to make it inſupportable to the poor.

2. It was not appropriated to any payment farther than to the year 1710, and ſo might determine in a ſhort time; whereas the two ſhillings four pence per buſhel, was actually ſettled as a fund for payment of annuities for ninety-nine years, and muſt certainly fall upon Scotland at the end of ſeven years.

This ſeemed a very reaſonable propoſal; though it did not anſwer the end of theſe gentlemen, whoſe aim, as I hinted before, was at the treaty in general; for

for it was a moderating between both, bearing a part which they could bear, and yet taking off that part which the poor were ſaid to be pinched by, and which they pretended would effectually have raiſed a national diſcontent.

The gentlemen on the other ſide were a little ſilenced with this propoſal; they at firſt indeed poſitively inſiſted, as in the Duke of Athol's proteſt, that Scotland ſhould be for ever free, &c. of all duties on ſalt; but they were ſubdued by the reaſonings of the other gentlemen, upon the equity of the above propoſal; and unleſs, as in general, objecting againſt the whole treaty, there was no withſtanding it. Yet after ſome debating, there was found an exception to this too; and that was, that though the two ſhillings four pence was thus provided againſt, it was but a ſingle term, and the Parliament of Great Britain might ſet that duty aſide, and lay ſome other tax on in the room of it, which might be the ſame thing, or worſe, and ſo this exemption might be eluded, and this they called without doors, a deſign to trepan Scotland, or draw her into the ſnare of the duty, under the pretence of an exemption.

But this was ſoon warded againſt; and the latter part of the clauſe, effectually ſtopt that gap, viz. "That if the Parliament of Great Britain "ſhall at, or before, the expiring of the ſaid ſeven years, ſubſtitute any "other fund in the place of the ſaid two ſhillings four pence of exciſe on "the buſhel of home ſalt, Scotland ſhall, after the ſaid ſeven years, bear a "proportion of the ſaid fund, but ſhall have an equivalent in the terms of "the treaty, that is, in the terms of the fourteenth article, which ſays, that "Scotland ſhall have an equivalent for what the ſubjects thereof ſhall be "charged towards payment of the debts of England, in all particulars "whatſoever." Vide treaty at London, article XV. page 201.

This brought the matter of debate to an end; and there was nothing left but to put the vote. The other party offered a clauſe of general and abſolute exemption, as per the minute: but it was voted not to be the ſtate of the queſtion; ſo the affair ended with the Duke of Athol's proteſt, as per the minute.

Yet it muſt be obſerved, that this ſtep taken by the Parliament, went a great way to ſtop the mouths of the people, who began to be ſtrangely alarmed at the apprehenſions of the ſalt duty, which was cried out as inſupportable; but their being wholly exempted from it for ſeven years, and for ever exempt from all but twelve pence per buſhel; the burden was both leſſened in the main, and remote in proſpect, and ſo the general clamour wore off.

It was indeed a great abatement to that article as ſtated at London, and ſome people flattered themſelves with the hopes, that it would occaſion

ſome

ſome debates in the Parliament of England, and perhaps ſuffer ſome alterations there, which might occaſion the returning the whole to Scotland again; but that view proved fictitious, and the gentlemen found themſelves diſappointed.

MINUTE XLV.

Thurſday, December 26, 1706.

Prayers ſaid.

Rolls called.

Addreſs of parochioners of Clackmannan, ſubſcribers of the ſame, againſt an Union with England in the terms of the articles, given in and read.

Thereafter the eighth article of Union, with the ſeveral alterations, additions, and enlargements, was twice read over.

And the vote being ſtated, " Approve of the ſaid eighth article as amended " or not," it carried, " Approve."

Then the ſecond clauſe of the fifteenth article of Union, beginning with theſe words, " And in regard that after the Union Scotland," and after ſome reaſoning thereon, it was agreed to.

The third clauſe of the ſaid fifteenth article, beginning with theſe words, " And for the farther and more effectual anſwering," was alſo read and agreed to.

The fourth clauſe beginning with theſe words, " And that upon the ſaid ac- " count there ſhall be anſwered to Scotland," was likeways read and agreed to.

The fifth clauſe of the ſaid fifteenth article beginning with theſe words, " And whereas from the expiration of ſeven years," was alſo read, and ordered to be delete, being determined by the eighth article.

The ſixth clauſe beginning, " And generally, that an equivalent ſhall be an- " ſwered to Scotland," was read, and the words, " or ſalt," appointed to be delete; and after ſome reaſoning on the ſaid clauſe, after deleting theſe words, the vote was put, " Approve of the ſaid clauſe or not," and it carried, " Ap " prove."

Then the ſeventh clauſe of the ſaid fifteenth article, beginning thus, " And " as for the uſes to which the ſaid ſum of three hundred ninety-eight thou- " ſand," was read; as alſo, the repreſentation of the Council General of the Company of Scotland, trading to Africa and the Indies, and the conſideration of both delayed till next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLV.

The eighth article was now paſſed without any more debates; the amendments were all read, being put together, and as the Houſe had ordered, tranſcribed into form, as you will find them in the treaty printed in the Appendix.

And

And now we are come to the great article of the equivalent, which has of itſelf made more noiſe in the world than all the other articles, and which, though in itſelf founded upon the higheſt juſtice to Scotland, being the only means to bring the diſcording circumſtances of the nations to unite, and was ſtated with the greateſt exactneſs, and the niceſt and moſt unexceptionable calculations, that the wit of man could perform; yet it met with the greateſt oppoſition, and was treated with the moſt contempt in Scotland of any other part of the Union; nay to that degree, that, when the very money itſelf came to be brought into Scotland, the common people were excited to that height, as to call it the price of their country, and to inſult the very people that brought it.

I muſt therefore be excuſed if the obſervations on this point exceed the bounds of that brevity I at firſt propoſed to myſelf, and that I endeavour to be as particular as poſſible upon this head.

The firſt clauſe of this article had been voted and agreed to, not without a great ſtruggle in the Parliament, on the ſeventh of the ſame month of December, as per the obſervations upon the minutes of that day appears, to which I refer; and the remaining part of the article was adjourned till the reports of the Committee appointed to conſider of the ſixth and eighth articles were received and conſidered; which being now ended, the Houſe proceeded to the ſubſequent articles.

The firſt clauſe of the article was the main preliminary to the reſt, viz. Whether Scotland ſhould be obliged to come into the appropriated duties of England, and conſequently have her revenues appropriated to the payment of the Engliſh debts, receiving from England an equivalent. What that equivalent ſhould be, viz. Ready money? How much it ſhould be, viz. Three hundred ninety-eighty thouſand eighty-five pounds ten ſhillings? And whether that ſum was rightly calculated? All this was determined as above.

The ſecond clauſe which came now to be debated was thus: "And in re-
" gard, that, after the Union, Scotland becoming liable to the ſame cuſtoms
" and duties payable on import and export, and to the ſame exciſes on all
" exciſeable liquors as in England, as well upon that account as upon the
" account of the increaſe of trade and people, (which will be the happy
" conſequence of the Union) the ſaid revenues will much improve beyond
" the before-mentioned annual values thereof, of which no preſent eſtimate
" can be made; yet nevertheleſs, for the reaſons aforeſaid, there ought to be
" a proportionable equivalent anſwered to Scotland." It is agreed, "That,
" after the Union, there ſhall be an account kept of the ſaid duties ariſing
in

" in Scotland, to the end it may appear what ought to be anſwered to Scot-
" land, as an equivalent for ſuch proportion of the ſaid increaſe as ſhall be
" applicable to the payment of the debts of England."

This was only to oblige the perſons appointed by the government to direct the treaſury of Britain, that an exact account might be kept what part of the revenue of Scotland was to be appropriated, and for which the equivalent was to be raiſed, in order alſo to come to a certainty in the meaſures which were to be taken with the remainder: and therefore this needed little debate; yet it will occaſion a farther remark preſently.

The third clauſe runs thus: " And for the farther and more effectual an-
" ſwering the ſeveral ends hereafter mentioned," it is agreed, " That from
" and after the Union, the whole increaſe of the revenues of cuſtoms, and
" duties on import and export, and exciſe upon exciſeable liquors in Scot-
" land, over and above the annual produce of the ſaid reſpective duties as
" above ſtated, ſhall go and be applied for the term of ſeven years to the uſes
" hereafter mentioned."

This was a general referring alſo to the particulars to which the overplus of the revenue of Scotland ſhould be applied, and this will alſo come to be diſcourſed of in its place, being here paſſed of courſe.

The fourth clauſe was, " And that, upon the ſaid account, there ſhall be
" anſwered to Scotland annually, from the end of ſeven years after the Union,
" an equivalent in proportion to ſuch part of the ſaid increaſe as ſhall be ap-
" plicable to the debts of England."

This clauſe could admit no debate on the Scots ſide; ſince, as they had agreed, by the firſt clauſe, to come into an equality of duties, this was capitulating in behalf of Scotland, that an equivalent ſhould be paid by England for ſo much of the revenues of Scotland as ſhould be applied to the Engliſh debts, over and above what had been already ſtated in the equivalent named in the former clauſe.

And here I ſhall take the freedom to quote what the former gentleman I quoted before gave as his opinion on this very head, I mean Mr. Baron Clark, whoſe judgement I think I may be allowed to appeal to, and who was a witneſs to, and preſent in Parliament at, all theſe debates. See his eſſay on the fifteenth article of Union, page 200, in theſe words:

2. " That which is moſt remarkable in this whole article, and particularly
" to be taken notice of, is this, viz. That, from the commencement of the
" Union, the whoſe increaſe of the revenues of cuſtoms and duties on im-
" port and export, and exciſe upon exciſeable liquors, over and above the
" annual produce of the ſaid reſpective duties, as above ſtated, ſhall be ap-

" plied for the term of ſeven years, to the uſe and advantage of Scotland; the " meaning whereof is hereby illuſtrated.

" Suppoſe the cuſtoms of Scotland, after the Union, (what upon the ac- " count of a greater trade, or upon the account of taking upon us the Engliſh " cuſtoms) ſhould increaſe to 80,000l. ſterling, which I believe no trading " man will doubt of, then it is plain, that in regard there is an increaſe of " theſe cuſtoms of 50,000l. above the preſent extent, therefore that increaſe " is by this paragraph allowed to Scotland yearly, for the aforeſaid term of " ſeven years, which will be a greater encouragement to Scotland, and by " conſequence an advantage to the whole iſland; ſince it is not to be doubted " but ſuch an annual ſum of 50,000l. will be employed during that time, to- " wards ſuch ends and uſes as will be moſt for the honour and advantage of " this poor country.

" Upon this conceſſion of the increaſe of cuſtoms and exciſes for ſeven " years it is likewiſe to be obſerved, that the ſum of 22,874l. that falls at " September 1710 above mentioned, will likewiſe go for the remainder of " the term of ſeven years, after the Union, towards the behoof of Scotland, " if ſo be that the cuſtoms and exciſes that raiſe that ſum are continued, and " nor appropriated for other uſes.

3. From the laſt part of the paragraph it is to be obſerved, that there ſhall " be anſwered to Scotland annually, after the expiration of the foreſaid term " of ſeven years, an equivalent in proportion to ſuch parts of the increaſe as " ſhall be applied towards payment of the debts in England. For explaining " of which, it may be obſerved,

" Suppoſe, after the foreſaid term of ſeven years, the cuſtoms of Scotland " ſhould riſe to 120,000l. yearly, which is an increaſe of 90,000l. above " what they are now ſtated at; in that caſe the ſaid increaſe of 90,000l. " would be diſpoſed of as follows:

" Towards the civil government of Britain - -	£. 17,007
" Towards the general expence of the nation -	1,710
" Towards payment of the debts of Britain - - -	71,283
In full of the ſaid	90,000

" This laſt article of the accompt is very remarkable, extending to no leſs " than a ſum of 71,287l. to be applicable towards the debts contracted before " the Union. But this needs not amuſe any perſon; for in the firſt place it was " ſuppoſed, if there be a peace concluded, and ſo an end put to the preſent " war, then will the debts of England be in a few years fully paid. The " conſequence of which will be, that the cuſtoms and exciſes, which, after

" the Union, will be payable by the ſubjects of Great Britain, ſhall then be " entirely taken off and let fall. In the next place, though the ſaid ſum of " 71,287 l. be applicable yearly towards the payment of Engliſh debts, " yet there ſhall be an annual equivalent given by England to the extent of " that ſum; which leads us to conſider a queſtion, Whether or not that ſum " of 71,287 l. will be ſent up yearly to England for paying theſe debts? " I anſwer, No; for if it ſhould, then, by the nature of the equivalents, that " very ſum behoved to be ſent back to us again, which is a certain needleſs " trouble; and lawyers, when they intend to amuſe their clients with ſpeak- " ing a ſort of Latin, have this in their mouths, applicable enough to this " purpoſe, *Fruſtra petitur quod mox eſt reſtituendum.*

" Wherefore any man may ſee that this ſum is not to be ſent to England, " but muſt remain among us.

" Could it ever have entered into the heads of men, in their right wits, " to burden a poor nation with an annual payment of a great ſum for debts " they never contracted, without at the ſame time allowing a re-imburſe- " ment to them? And if ſo, can we imagine that matters will be ſo con- " founded, as that they muſt ſend yearly great ſums out of Scotland to Eng- " land, for no other end than immediately to be returned back again? This " is ſo ridiculous, that it is ſcarcely to be ſpoken of."

Thus far Mr. Baron Clark; to which I ſhall add nothing, but that his reaſonings were ſo plain that they needed no explication.

The fifth clauſe was thus: " And whereas, from the expiration of ſeven " years after the Union, Scotland is to be liable to the ſame duties for ſalt made " in Scotland, as ſhall be then payable for ſalt made in England. It is agreed, " That when ſuch duties take place there, an equivalent ſhall be anſwered " to Scotland for ſuch part thereof as ſhall be applied towards payment of " the debts of England; of which duties an account ſhall be kept, to the " end it may appear what is to be anſwered to Scotland as the ſaid equivalent."

This required only to be left out, as being uſeleſs, ſince the affair of the ſalt was ſettled otherwiſe in the precedent day's vote; ſo that hitherto theſe were all negative clauſes in the main.

The ſixth clauſe was, " And generally, that an equivalent ſhall be an- " ſwered to Scotland for ſuch parts of the Engliſh debts as Scotland may " hereafter become liable to pay by reaſon of the Union, other than ſuch for " which appropriations have been made by Parliament in England of the cuſ- " toms, or other duties on export and import, exciſes on all exciſeable liquors " or ſalt; in reſpect of which debts, equivalents are herein before provided."

The oppoſition made to this article was on the ſame foot as the oppoſition made to the firſt clauſe, viz. That they would not have Scotland come into the

the Engliſh debts at all; but having conſented to come in as far as the equivalent extended, they were for making a ſtop there. But this was found impracticable, after the duties which were to be paid by Scotland were aſſented to, to have turned them from the channel of appropriation which the like duties in England were appointed to run in by act of parliament, could not well be done; ſo after a ſhort diſpute about the poſſibility of this, it was paſſed over alſo.

They now came to the debate of the application of the equivalent; but this was too long a ſubject to enter upon that day, ſo it was adjourned to the next time.

MINUTE XLVI.

Friday, December 27, 1706.

Prayers ſaid.

Rolls called.

The Lord Chancellor acquainted the Parliament, that notwithſtanding the ſeveral addreſſes brought in and preſented to the Parliament, "againſt an incor- "porating union with England, in the terms of the articles," have been under due conſideration during the whole procedure upon the articles of Union; yet there is now information, that letters are ſent through ſeveral corners of the kingdom, deſiring the ſubſcribers of theſe addreſſes to come in and aſſemble at Edinburgh, upon pretence of waiting the effect of the ſaid addreſſes, and of knowing what return the Parliament will give them. All which he was directed by his Grace Her Majeſties High Commiſſioner, to lay before the Parliament, to the effect proper meaſures may be reſolved upon, for preventing any evil conſequences from theſe practices.

And after ſome diſcourſe thereupon, a proclamation was brought in and read againſt all ſuch meetings and gatherings of the ſubjects as unwarrantable, and contrair to law.

And after farther diſcourſe, as to the ground of the information,

Her Majeſties High Commiſſioner was pleaſed to ſignify to the Parliament, that he had information from ſeveral corners of the kingdom of the great pains and methods which had been uſed to procure ſubſcriptions to addreſſes, and to call into Edinburgh the ſubſcribers againſt a preciſe day to back theſe addreſſes.

And after debate upon the draught of the proclamation, the vote was ſtated, "Approve of the proclamation or not."

But before voting it was agreed to mark the members votes, and that the liſt of their names as they ſhall vote, be printed and recorded.

And George Lockhart, of Carnwath, gave in the following proteſtation, viz. "I "George Lockhart, of Carnwath, proteſt for myſelf, and all others who ſhall adhere

" to this my proteſtation, that this proclamation now offered to be emitted, diſ-
" charging barons, freeholders, and heretors within this kingdom, to come to
" Edinburgh in time of ſitting of Parliament, ſhall no ways prejudge the
" rights and privileges of the barons, freeholders, and heretors of this king-
" dom, competent to them by the laws of this nation."

Which being read, he took inſtruments thereupon, and the adherers were allowed to be marked at calling the rolls.

Then the vote was put, " Approve the proclamation, or not," and it carried, " Approve." And the Duke of Hamilton, the Duke of Athole, the Earl of Errol, the Earl Mariſchal, the Earl of Wigtoun, the Earl of Selkirk, the Viſcount of Stormount, the Viſcount of Kilſyth; the Lord Oliphant, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, the Lord Colvil, the Lord Kinnaird; Sir James Foulis, of Collingtoun; Sir John Lawder, of Fountainhal; Andrew Fletcher, of Saltoun; Sir Patrick Home, of Rentoun; John Briſbane, younger, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; James Grahame, of Buckłyvie; Robert Rollo, of Powhouſe; Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; Alexander Gordon, of Pitlurg; John Forbes, of Colloden; David Bethune, of Balfour; Major Henry Balfour, of Dunboig; Mr. Thomas Hope, of Rankeilor; Mr. Patrick Lyon, of Auchterhouſe; Mr. James Carnagie, of Phinhaven; David Grahame, younger, of Fintrie; James Ogilvie, younger, of Boyn; Alexander Mackgie, of Palgown; James Sinclair, of Stempſter; Mr. George Mackenzie, of Inchcoulter; Alexander Watſon, Francis Moliſon, Mr. John Lyon, Sir Robert Anſtruther, Mr. John Caruthers, George Home, and John Bain, adhered to the proteſtation given in by George Lockhart, of Carnwath.

Adjourned till Monday next at ten o'clock.

OBSERVATION XLVI.

The work of this day explains itſelf, and needs but little remark; this was a new ſhift, if poſſible, to have diverted the Parliament from going on with the great work of the Union; tumults and riots in the country had been tried in vain, and the Glaſgow rabblers were cloſe in the caſtle of Edinburgh; mobs and rabbles in the ſtreets had been ſuppreſſed, and the guards did conſtant duty in the city, walked the rounds in the night, and kept the ſtreets quiet; the meeting of the heretors and fencible men had been diſcharged by proclamation, and the clauſe in the Act of Security, licenſing them to do ſo, had been repealed; ſo that now no room was left for violent methods, except by open and actual rebellion, and that had all poſſible proviſion made for it in the laws, and the Queen had ordered troops to the borders of England, as is before noted, in order to aſſiſt and ſupport the Government in caſe of neceſſity.

The

The only pretence therefore now, was this, The addreſſes, as you will read in the minutes, had been continually brought in againſt the Union from all parts of the kingdom. Anſwers were not given, nor expected to be given by the Parliament, but they lay before the Parliament for their conſideration; and an addreſs lying before the Parliament, is, by the nature of the thing, ſuppoſed to be under conſideration; but the addreſſers pretending that no regard was had to their addreſſes, pretend now to come all up to Edinburgh, to wait for, or rather to demand anſwers to their addreſſes; this was too barefaced a pretence not to diſcover its own meaning; and therefore the Parliament immediately agreed to the proclamation, to diſcharge or forbid all ſuch gatherings or meetings of the ſubjects, as unwarrantable and contrary to law. See the proclamation in the Appendix, No. B x x.

You will obſerve, that on ſeveral occaſions after the firſt propoſal of printing the names of ſuch as voted on either ſide, the like liſt of names was ordered to be made public; it would have been too long to have ſubjoined theſe to every vote, and alſo been troubleſome and uſeleſs to the reader; but this caſe being ſomething ſingular, I have put the names of the members as they were printed by order of Parliament, in the Appendix of this work, marked with this mark E x x, by which ſome gueſs may be made, who encouraged or diſcouraged the violences of thoſe times, and what encouragements were ſuggeſted to thoſe without, from the proceedings and conduct of thoſe within.

It was expected by ſome people that theſe tumults ſhould have had great encouragement on the part of the church; and great pains were taken to draw in the miniſters, in ſeveral parts, to eſpouſe the quarrel, and to appear with the people againſt the Union.

But the miniſters, however they ſhewed themſelves againſt the Union in general, and againſt the ſeveral particulars as they concerned them, yet they ſhewed no inclination to encourage the tumultuary methods that the violent tempers of other people ſeemed to be precipitating the nation into; and therefore the letter written by the Commiſſion to the ſeveral Preſbyteries, was very ſeaſonable, not only to prevent the miſchiefs threatening the peace of the kingdom at that time, but alſo to vindicate the Commiſſion of the Aſſembly from the aſperſions raiſed upon them from the above ſuppoſition; copy of which I have inſerted in the Appendix, with the anſwer of the Preſbytery of Hamilton to it, No. O x, P x.

It would have been endleſs to have added here the particular addreſſes which were preſented from the ſeveral parts of the kingdom; however, ſome of the moſt ſignificant I have added in the Appendix, marked as follows: Addreſs from the Preſbytery of Hamiltoun, No. N x, which was very particular;

particular; the Preſbytery of Dumblain, No. L x; with the Addreſs from Kirkcudbright, No. M x; the town of New Galloway, No. Q x; Dumfermling, No. R. From theſe addreſſes, the bulk of the reſt may be gueſſed at; only it may be noted, there were but three Preſbyteries in the whole kingdom that addreſſed at all, viz. Lanerk, Hamilton, and Dumblain, there being ſixty-eight Preſbyteries in the whole.

MINUTE XLVII.

Monday, December 30, 1706.

Prayers ſaid.

Rolls called.

Thereafter the firſt part of the ſeventh and laſt clauſe of the fifteenth article of Union, beginning thus, "And as for the uſes to which the ſaid ſum of "398,085 pounds," &c. was again read, and after reaſoning, the repreſentation of the Council General of the Company of Scotland trading to Africa and the Indies, was alſo again read; and after farther reaſoning thereupon, and upon the application of the equivalent, a propoſal was given in for altering and amending the ſaid firſt part of the above ſeventh and laſt clauſe of the ſaid fifteenth article, in theſe terms, viz.

"It is agreed, that, in the firſt place, out of the foreſaid ſum, what con-"ſideration ſhall be found neceſſary to be had for any loſſes which private per-"ſons may ſuſtain, by reducing the coin of Scotland to the ſtandart and value "of the coin of England, may be made good. In the next place, that the "capital ſtock or fund of the African and Indian Company of Scotland, ad-"vanced, together with the intereſt of the ſaid capital ſtock, after the rate of "five per cent. per annum, from the reſpective times of the payment thereof, "ſhall be payed: upon payment of which capital ſtock and intereſt, it is agreed "the ſaid Company be diſſolved and ceaſe; and alſo, that from the time of "paſſing the act of parliament in England, for raiſing the ſaid ſum of 398,085 "pounds ten ſhillings, the ſaid Company ſhall neither trade nor grant licence "to trade: providing, that if the ſaid ſtock and intereſt ſhall not be payed in "twelve months after the commencement of the Union, that then the ſaid "Company may, from thence forward, trade, or give licence to trade, until "the ſaid haill capital ſtock and intereſt ſhall be paid: and as to the overplus "of the ſaid ſum of 398,085 pounds ten ſhillings, after payment of what "conſideration ſhall be had for loſſes in repairing the coin, and paying the "ſaid capital ſtock and intereſt; and alſo the haill increaſe of the ſaid revenues "of cuſtoms, duties and exciſes, above the preſent value, which ſhall ariſe in "Scotland during the ſaid term of ſeven years, together with the equivalent, "which ſhall become due upon the improvement thereof in Scotland, after

"the

" the ſaid term, and alſo as to all other ſums which, according to the agree-
" ments aforeſaid, may become payable to Scotland by way of equivalent, for
" what that kingdom ſhall hereafter become lyable, towards payment of the
" debts of England; it is agreed, that the ſame be applyed in manner follow-
" ing, viz. That all the public debts of the kingdom of Scotland, as ſhall be
" adjuſted by this preſent Parliament, ſhall be payed, and that 2000 pounds
" ſterling per annum, for the ſpace of ſeven years, ſhall be applied towards
" encouraging and promoting the manufacture of courſe wooll within theſe
" ſhires which produce the wooll, and that the firſt 2000 pounds ſterling be
" payed at Martinmaſs next, and ſo yearly at Martinmaſs during the ſpace
" foreſaid; and afterwards the ſame ſhall be wholly applied towards the en-
" couraging and promoting the fiſheries and ſuch other manufactures and im-
" provements in Scotland, as may moſt conduce to the general good of the
" united kingdom."

Which being read, and after reaſoning thereon, it was moved, " That the
" Company of Scotland trading to Africa and the Indies be heard by their
" lawyers upon the rights and privileges of the ſaid Company before any far-
" ther procedure." And after debate,

The ſaid haill ſeventh and laſt clauſe of the ſaid fifteenth article of Union, from theſe words, " And as for the uſes to which the ſaid ſum of 398,085 " pounds ſterling," to the end, with the above alteration and amendment, was read over.

And thereupon there were two ſtates of a vote offered, the firſt in theſe terms, " Approve of the fifteenth article of the Union, as altered and amended, " yea or not;" and the ſecond in theſe terms, " Whether this Houſe will " diſſolve the Indian and African Company, without the conſent of the pro-
" prietors, and hearing the Companies lawyers upon the rights and privileges
" of the ſaid Company, yea or not;" and after ſome reaſoning which ſhall be the ſtate of the vote, " Firſt or Second,"

It was agreed before voting, That the members votes be marked, and that the liſt of their names, as they vote, be printed and recorded.

Then the vote was put, " Firſt or Second," and it carried, " Firſt."

Thereafter it was put to the vote, " Approve of the ſaid fifteenth article, as
" altered and amended, or not," and it carried, " Approve."

Then an overture given in, in theſe terms, " That it be remitted to the
" Committee to conſider what conſideration ſhall be had of the loſſes of the
" coin; as alſo what the capital ſtock and intereſt of the African Company
" may amount to, and how and to whom the ſame ſhall be paid, and likewiſe
" to adjuſt the liſt of the publick debts, and to prepare overtures on theſe
" ſeveral heads, and to report to the Parliament, with power to them to call

" for papers and perſons;" and accordingly it was remitted to the Committee to whom the ſixth and eighth articles were remitted.

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLVII.

Upon this part of the application of the equivalent, great ſtir was made, on pretence of preſerving the African Company, and ſome papers were offered to the Parliament.

The Company made a long repreſentation to the Parliament, needleſs to be inſerted here.

There was a party who pretended to ſtruggle, and ſome motions appeared in the Houſe to that purpoſe, againſt the diſſolving the African Company. It is confeſſed, the Company was a thing the nation had a great concern in, almoſt every conſiderable family in the kingdom having ſome ſhare in the ſtock, and conſequently in the loſs, for it was reckoned no better: the hiſtorical part of that tranſaction does not relate to this place, but it may be proper to ſay a little to it, to introduce the true underſtanding of the vote.

The Company had been erected upon a general ſubſcription of 600,000l. ſterling, moſt of it ſubſcribed in Scotland, upon which every ſubſcriber had paid down a certain part of the ſum ſubſcribed, and was liable at the call of the Company to be purſued for the remainder, and to pay it all in, as by the ſeveral acts of parliament, ſettling and confirming the ſaid Company, will appear.

Upon the miſcarriage of the expedition to Darien, and the return of their ſhips, &c. the Company was ſo diſcouraged and diſheartened, that no new attempt, either there or any where elſe, had been ſo much as talked of, nor were any other payments demanded, the loſs of what was already expended lying very heavy upon the nation, and particularly upon ſome families who could very ill bear it.

The deſign had ſo effectually miſcarried, that the ſtock advanced was not only expended, but the Company was brought very low, and was very far in debt upon the account of their ſaid expedition to Darien; and the ſubſcribers were always apprehenſive of a call upon them of ſome farther payment, to diſcharge the remainder due on the old voyage, or perhaps to form ſome new expedition, and this made ſome people ſo uneaſy, that they ſold their ſtock in the ſaid Company for trifles, only to be ſecured againſt farther demands; in general, the intereſt in the ſaid ſtock was come to ſo low an ebb, that people valued themſelves little or nothing upon their ſhares in it; and when the firſt view of the Union came on, and ſome thought one way

of it, ſome another, they either bought or ſold as their opinion of the Union, and its proſpect of ſucceſs either increaſed or decreaſed; and indeed the public expectation of the ſucceſs of the Union ran very low at this time, as may be ſuppoſed, from the value now put on the ſtock of the African Company, which was fallen ſo low, that ſeveral people offered to ſell their whole intereſt for ten per cent. on the original ſtock, though at the ſame time they ſaw, that if the Union took place, the whole principal money, with intereſt, was to be repaid them.

There ſeemed to be abundance of difficulties in the way of the treaty; the fury of the rabbles, the tumults in the ſtreets, the ſtrength of the oppoſition, and the abundance of debates they were yet to go through, gave ſo mean a proſpect of the Union, that though it was an article in the treaty, that when it was finiſhed all the ſtock of the African Company ſhould be repaid with intereſt, as above, out of the equivalent money; yet nobody valued themſelves upon it then, nor were any very fond of buying, though the demand was exceedingly low; and indeed ſo low, as told every one the ſellers looked upon it as a deſperate caſe that they had no dependence upon, and very little expectation from.

It was expected there ſhould have been a debate upon the previous queſtion, Whether the African Company ſhould be diſſolved or not? and as per the vote, it was propoſed to hear lawyers or counſel in behalf of the Company; but it was apparent this alſo was a propoſal not ſo much in behalf of the Company, as in order to put a full ſtop to the Union, ſince it was evident two companies could not be conſiſtent in Britain.

Nor was it alledged, that the proprietors of the Company, had it been put to the queſtion, would have deſired the Company to continue, and ſo have diſburſed farther ſums to carry on their trade, in hope of making up and recovering their money; and this rather than have received their principal ſums with intereſt back again, which was a thing they had no reaſon to expect.

The propoſal therefore was rejected; not that every man's conſent, in his own private right, was not acknowledged to be needful: but this being a public act granted by Parliament, the Parliament firſt ſecuring every man his whole principal and intereſt from the very time of payment, had undoubtedly a power to reſcind their own act, and cauſe to ceaſe all the powers and privileges which derived from them.

Upon this foot it was thought juſt to repeal the acts eſtabliſhing the Company, even without hearing their lawyers, or demanding their aſſent. Again, had the aſſent been demanded, it ought to have been not an aſſent of the

directors or council, but of every proprietor, which, as it might have been difficult, and, perhaps, impoſſible, would have effectually anſwered the end of thoſe gentlemen who ſought to bring theſe matters to a head of debate, and ſo have wrought out of them the wiſhed-for delay to the Union then in hand.

Some alſo alledged this caſe as parallel to the great caſe now depending, and would have argued the laſt from the conſequence of the firſt, viz. that as the Company could not be diſſolved by the conſent of the directors or council, or managers of their affairs, but by the univerſal conſent of the whole body of ſubſcribers; ſo neither could the conſtitution of Scotland be altered by the act and deed of the repreſentative, without the concurrence and aſſent of the conſtituents from whom the repreſentatives derived. But this ſeeming parallel appeared to be imperfect, and conſequently to be no parallel at all, ſince the Company could at any time be legally diſſolved, and their charters, privileges, and powers, be made to ceaſe by the ſame power that made them, without aſking the aſſent either of the directors or ſubſcribers; that is, without conſulting the repreſentative or conſtituent parts of that body, and the power ſo diſſolving or taking away the ſaid Company, had no other obligation upon them, than in juſtice to make good all damage or detriment to private perſons; and this was effectually done.

The fate of the African Company of Scotland being thus determined, the farther application of the equivalent was the next work; and there ſeemed only two things to call immediately for help.

1. The coin, which of neceſſity required a new regulation.

2. The public debts of the nation, which called loudly to be diſcharged.

The coin was agreed to be the firſt conſideration, and as per the minute appears, was unanimouſly agreed to; the ſtate of which was in ſhort thus:

By the lowneſs of the coin in Scotland, both as to quality and quantity, I mean the old money, Scotland came under this general diſadvantage, viz. that almoſt every foreign coin paſt current in Scotland to advantage: for example; the Engliſh ſhilling paſt at thirteen pence; the French crown, which in London goes at four ſhillings and ſix pence, paſt at five ſhillings; the Dutch dollar at fifty-eight pence; the bank dollar, and three other ſorts, commonly called the wild horſe, the wild man, and caſtle, being generally imperial or rex dollars, were by act of council raiſed to ſixty pence.

This indeed had been occaſioned by the government in Scotland formerly crying up their own money above the uſual rate, a thing always fatal to the nations that have thought fit to venture upon it, and which precipice England narrowly miſſed ſplitting upon in the late reſtoration of her coin; at which

which time ſome people puſhed hard at raiſing the value of the ſtandard, not being aware of the national injury of raiſing the value of foreign ſpecie, and ſubjecting the general credit to a loſs on exchange with all nations of the world.

By the Union the coin of Scotland was to be reduced, and brought to the Engliſh ſtandard; the conſequence of this was of neceſſity, that there would be a loſs upon all the kinds of money, both foreign and proper. To cry down the foreign money, and bring it to a value, could not be, becauſe the Engliſh money being the ſtandard, was to be the only current money, and all other money would, as in England, go by weight only; to ſink the difference in the hands of particular perſons, who had ſuch money in poſſeſſion, would have been a great loſs upon the poor people, and what they could not eaſily bear.

The advance upon the Engliſh money, which was one penny on every ſhilling of the ſilver, and two ſhillings two pence upon every guinea, fell by the courſe of things, that money being to go current at the rates as in England; and this was no ſmall loſs to the people that had Engliſh money by them; but the foreign and Scots money being no more to be current, it was but reaſonable that the public ſhould defray the charge, and make good the loſs; and therefore this was allotted out of the equivalent.

Nor was that all; but as this was a caſe which admitted no delay, ſo it obtained the preference of every thing elſe; for till this was ſettled, the circulation of money would have been ſtopped, and a general ſtagnation of trade would have followed; and therefore it was appointed to be made good out of the equivalent before the African Company was refunded; and this ſet the mint quickly to work, as will appear in its place.

The next thing to be paid out of the equivalent was the public debts; there were ſome who ſtruggled heartily to have the debts of the Government come in before the affair of the African Company, but it could not be carried; thoſe debts were not all aſcertained, and the claims were to be remitted to the deciſion of the law, at leaſt many of them, and this would have left the African affair to a long uncertainty, which neither the nature of the thing, nor the occaſion that ſubſcribers had for their money, could admit of: for it is to be obſerved by the clauſe, that if the whole was not paid them within twelve months, they had privilege to trade, or give licenſe to trade, as if they were not to diſſolve at all.

Next after the African Company, therefore, the public debts came to be conſidered, and the equivalent was appropriated to the diſcharge of the ſaid debts; and if the preſent ſum fell ſhort, it was to be made good out of the

growing cuſtoms and revenue of Scotland, which for ſeven years was to be appropriated to ſuch uſes as will hereafter appear.

The next in order was to beſtow this money for the encouragement of trade, and firſt the wool maſters, as they are called; that is, the gentlemen whoſe eſtates were in the ſheep countries, and whoſe rents were generally paid in wool; theſe made loud complaints, that the Union bringing upon them a prohibition or reſtraint of the exportation of wool, and there being no conſumption by manufacturing at home, and their wool too courſe for ſale in England, their eſtates would be viſibly ſunk, and therefore that they ought to have ſome equivalent alſo.

To this it was alledged, that the exportation of wool, however obtained lately in Scotland, yet was grievous to the whole nation, and ought to be reſtrained by law, as it was injurious to trade, and that it uſed in former times to be reſtrained; that therefore if this was a preſent loſs to them, it was nothing but a reducing them to what they were before, and taking away the advantages they had made for a few years out of the public loſſes: but however, that all parties might, as far as poſſible, be made ſenſible of the equity and juſtice of the Union, a conſideration of 2,000 l. ſterling per annum was allowed to encourage ſetting up ſuch manufactures in theſe places as might employ the poor, and help forward the conſumption of the wool in the countries where it is grown. How this 2,000 l. per annum was diſpoſed, and what effect it had on the wool, or on the trade, I may examine hereafter.

A remainder after this is allotted to the fiſhing, &c. but the iſſue of this alſo being not come to knowledge at writing of this hiſtory, I can give no farther account of it.

As to the affair of the coin and of the African Company, the particulars were referred to the Committee, and we ſhall meet with them again in their courſe, the report of the ſaid Committee being formed into an act of parliament, as will appear in its place.

MINUTE XLVIII.

Tueſday, December 31, 1706.

Prayers ſaid.

Rolls called.

Saturday next appointed for private buſineſs.

Thereafter the ſixteenth article of Union was read twice over, and the following words were added thereto, "And that the preſent officers of the "Mint

" Mint be continued, ſubject to ſuch alterations," &c. And the article as amended being again read over, after reaſoning thereon, a memorial was given in, in relation to the loſſes by the coin, and remitted to the Committee, to whom the ſixth and eighth articles were remitted.

Then the vote was put, " Approve of the ſixteenth article or not," and it carried, " Approve."

Moved, That a proclamation be iſſued forth " lowering the value of the cur- " rent coin of this kingdom to the true ſtandard," and remitted to the above Committee, to be proceeded on by them prior to all other buſineſs.

The ſeventeenth article of Union was then read, and after ſome reaſoning thereon, it was put to the vote, " Approve of the ſeventeenth article or not," and it carried, " Approve."

Thereafter the eighteenth article of Union was read, and after reaſoning thereon, an overture was given in for adding a clauſe in theſe terms, " That all " Scotſmen be exeemed from the Engliſh ſacramental Teſt, not only in Scot- " land, but in all places of the united kingdom and dominions thereunto be- " longing, and that they be declared capable of offices throughout the whole, " without being obliged to take the ſaid Teſt."

And after debate, it being moved, That it was not now intire to add the ſaid clauſe in relation to the ſacramental Teſt, in reſpect of the vote of Parliament of the 12th of November laſt, againſt adding the like clauſe. After ſome far- ther diſcourſe thereon,

It was agreed, that the ſame ſhould be put to the vote, and that the members votes be marked, and the liſt of their names as they ſhall vote be printed and recorded.

Then the vote was put, " Whether it was intire to add the ſaid clauſe or " not," and it carried " Not."

Thereafter the vote was put, " Approve the eighteenth article or not," and it carried, " Approve."

Act for adjourning the ſeſſion to the firſt day of February next to come, given in and read, and a firſt reading ordered to be marked thereon.

Then the nineteenth article of Union was read, and delayed till next *ſederunt* of Parliament, and to be then taken under conſideration.

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Thurſday next at ten o'clock.

OBSER-

OBSERVATION XLVIII.

The matter committed to the Committee here was not whether the coin ſhould be reduced to the Engliſh ſtandard, and be alike all over the iſland, for that every one ſeemed to agree, eſpecially after it had been agreed before that the deficiency ſhould be made good out of the equivalent; but how and in what manner the deficiency of the money ſhould be made good, was the thing the Committee was to conſider: and here, contrary almoſt to the hopes of the people, the Committee concluded, that the deficiency even of the Engliſh money, viz. one penny in each ſhilling, ſhould be made good.

But here was a great difficulty, which was this; if it ſhould be voted that no conſideration ſhould be given for the Engliſh money, the people would be great loſers, and the article of making good the loſſes of the coin would not be made good to them. If the deficiency was voted, then the Engliſh would bring in vaſt ſums of money upon them to receive the deficiency, and have it out in current money, and ſo carry it home again, and by this trick, as ſome ſuggeſted, all the equivalent might be exhauſted.

But the Committee found a cure for both theſe evils together. 1, They reſolved to make good the deficiency of the Engliſh money, that is, the Engliſh ſilver money, not the guineas, and ſo all the objections of that ſort fell to the ground; and to prevent the poſſibility of bringing in any quantity of ſilver money from England, they appointed all the Engliſh money in the nation to be brought into certain places all in one day, where the ſums being told, ſealed up, and laid by till no more was left to bring in, the money was delivered back again the ſame day, with a certification of the ſame, which entitled the proprietor to the deficiency to be paid out of the equivalent.

Thus in one day all the Engliſh money in the kingdom, (viz. all the ſilver money) was reduced to the Engliſh value, and went after that as in England, and for no more; and as the rate of exchange always attends the intrinſic value of the ſpecie, ſo the exchange, which before ran at eleven or twelve per cent. to the diſadvantage of Scotland, immediately came to a par, and money ran between London and Edinburgh at a half per cent, or at moſt one per cent. ſometimes this way, ſometimes that way, as the demand of remitters and drawers happened to alter the caſe.

However the proclamation mentioned in this vote was concealed till the time that all things were ready for this calling in the money, that people might

might not have notice of the thing, and conſequently have room to bring in money from England: it was alledged nevertheleſs, that ſeveral conſiderable ſums were brought over the borders, but I never could underſtand that it was proved: for the particulars, the reader is referred to the proclamation which contains the report of the Committee, and ſhall come in its place.

The ſeventeenth article required no debate at all, being what every body acknowledged to be needful.

The eighteenth article was ſo well worded, and every thing that related to Scotland ſo well provided for, that there was very little room for objection, and what was offered merits not to be remembered: what was ſaid relating to the laws being made alterable by the Parliament, amounted to nothing but juſt what had been argued in London at the treaty; as for thoſe that would have it out of the power of ſubſequent Parliaments to alter any of the laws, when they came to conſider that this was to bar Scotland from having the advantage of a legiſlature, and from what is eſſential to all government, viz. to have a power in being to make ſuch laws as they ſhall want, they preſently quitted a notion ſo very wild, remembring that laws which are for the public good in one age may be directly otherwiſe in another; and to leave the Parliament no power to amend or alter the laws, would be to put Scotland in a worſe condition than any nation in the world, that when any part of her law became grievous to her, it could not, though at her own requeſt, receive any amendment; the reaſonableneſs therefore of its being always in the power of ſubſequent Parliaments to make or amend laws being granted, the diſtinction of the article admitted the leſs debate, all things being to be done only to the evident utility of Scotland.

There was a ſecond attempt made here with relation to exempting the Scots from the ſacramental Teſt in England; but as it was juſt the ſame thing as is mentioned already in the obſervation of November 12, I need make no farther remark upon it than this, that it was thrown by as a thing in itſelf impracticable, unreaſonable for the Scots Parliament to meddle with, and as offered only to embarraſs the preſent great affair upon the ſtage.

The ſeſſion or term for law proceedings was now farther to be adjourned, and this was thought neceſſary, not only becauſe of the preſent hurry the nation was in, being univerſally taken up about the great affair of the Union; but it was thought ſome advantages were deſigned againſt the treaty, from the confluence of the people that from all parts of the kingdom generally come together on this occaſion; and the gentlemen who were for the Union did not think it ſafe to give ſuch an opportunity or pretence for the country to gather to Edinburgh, as that muſt of neceſſity offer to them.

MINUTE

MINUTE XLIX.

Thurſday, January 2, 1706.

Prayers ſaid.

Rolls called.

Act adjourning the ſeſſion to the firſt day of February next to come, read a ſecond time; and after reaſoning, it was propoſed, that the adjournment ſhould be to the fourth of February; and likeways propoſed, that the adjournment ſhould only be to the twenty-firſt of January inſtant; and after farther reaſoning, the vote was put, "Approve of the act adjourning the ſeſſion to the twen- "ty-firſt of January, or fourth of February," and it carried, "Approve of the "act adjourning the ſeſſion to the fourth of February next to come."

Thereafter the act was touched with the royal ſcepter by Her Majeſties High Commiſſioner in the uſual manner.

Then the nineteenth article of Union was again read, and after ſome reaſoning on the firſt clauſe of the ſaid article, in relation to the court of ſeſſion, or college of juſtice, a motion was made for adding a clauſe in theſe terms: "And that hereafter none ſhall be named by the Queen or her ſucceſſors to be "ordinary Lords of ſeſſion, but ſuch who have ſerved in the college of juſtice "as advocats or principal clerks of ſeſſion for the ſpace of five years."

And after ſome reaſoning, it was alſo moved, That writers to the ſignet ſhould be added to the advocats and clerks.

And after farther reaſoniug, the vote was ſtated, "Approve of the firſt clauſe "or paragraph of the nineteenth article with the above additional clauſe, or with- "out it."

But before vothing, it was agreed, that in caſe the vote ſhould carry approve of the ſaid firſt paragraph of the nineteenth article with the additional clauſe, it ſhall be intire to debate, whether writers to the ſignet are to be added or not.

And thereupon the ſaid firſt paragraph and additional clauſe being read over, the vote was put, "Approve of the ſaid firſt paragraph with or without the ad- "dition," and it carried, "With the addition."

And after debate, "Whether writers to the ſignet ſhall be added or not," it was put to the vote, "Add writers to the ſignet or not," and it carried, "Add."

Whereupon it was moved, That ſuch of the writers to the ſignet as have ſerved five years in that ſtation ſhall be underſtood qualified as well as advocats and clerks; and after debate thereon, it was moved, that the farther debate be adjourned till the next *ſederunt* of Parliament; and alſo moved to proceed now to the determination of the time for their qualification.

And after reaſoning, the vote was put, "Proceed or delay," and it carried "Delay."

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLIX.

I have given the reaſons for adjourning the ſeſſion in the laſt obſervation; the debates of this day were only upon the day to which it ſhould be adjourned, which are not material, only to note, that the gentlemen againſt the Union were always for the ſhorteſt adjournment, which ſome ſaid, was in hopes to get the ſeſſion to begin before the Parliament ſhould end.

By the nineteenth article the Court of Seſſion, or as it is called, the College of Juſtice, with the Court of Juſticiary, are here effectually eſtabliſhed and confirmed, their being and conſtitution cannot be touched, no not by the Parliament; they are indeed to ſubmit to regulations, and it cannot but be reaſonable it ſhould be ſo; but none of theſe regulations can affect them as a Court.

It may not be unneceſſary, for the ſake of the Engliſh reader, to explain the terms in this article, and to deſcribe the people mentioned here by the like kind of offices known in England, and to note,

1. That the College of Juſtice conſiſts of the Lords of Seſſion, advocates, and writers to the ſignet. The Lords of the Seſſion are a bench of Judges, conſiſting of fifteen, of whom one is Lord Preſident of the Seſſion, now poſſeſſed by Sir Hugh Dalrymple, brother to the Earl of Stair. Theſe are Judges of all cauſes of private right, like as the Court of Queen's Bench and Common Pleas, from whom appeals lay before the Parliament, called Petitions for Remeid of Law. Their ſalary was two hundred pounds per annum, but is now ſince the Union five hundred pounds.

2. The Court of Juſticiary is a criminal court, conſiſting of five Judges, who are called the Lords of Juſticiary, of whom the Earl of Cromerty is Preſident or Chief, and is called Juſtice General.

Advocates here are lawyers, ſuch as the counſellors at law in England, who plead before the Lords of the Seſſion, (the Judges) and give advice, take fees, &c. as the counſellors of the inns of court in England.

Writers are ſomething like attornies, who proſecute law ſuits, and prepare things in due form for trials at the bar.

Writers to the ſignet are a ſelect number of thoſe by whom all proceſſes muſt be ſigned before they can go in form.

It was the ſubject of no ſmall debate here, whether any writer ſhould be capable of being lord of the ſeſſion, or advocates or counſellors only; it had been alledged, that it was diſhonourable to the bench of judges to raiſe any of the writers, which are a lower rank of practitioners, to the dignity of a lord of the ſeſſion; that it was advancing them over the heads of the advocates, that in England no man arrives to the dignity of a judge, till he is firſt received within the bar; that is, made a ſerjeant; and that till now writers were not admitted.

The firſt motion was even againſt advocates or clerks of the ſeſſion too, "till they had ſerved a certain number of years as advocates;" but the writers finding themſelves excluded by that vote, got it added after a long debate.

It remained then to determine what writers ſhould be qualified, and which excluded; but as this debate ſeemed ſomething of a ſurprize to the Parliament, and the whole faculty ſeemed concerned in it, it was put off to the next day. The debate ſeemed of no great concern to the public, but as it affected private perſons, whoſe intereſt was at that time ſtrong in the Parliament, it occaſioned warm debates.

MINUTE L.

Friday, January 3, 1707.

Prayers ſaid.

Rolls called.

Then the Parliament reſumed the conſideration of the debate anent the qualification of writers to the ſignet, before they can be named ordinary lords of ſeſſion; and after ſome farther debate, as to the time they are to ſerve as writers, before they can be capable to be named lords, there were two ſtates of a vote offered; the firſt in theſe terms, "Whether they ſhall ſerve twenty years, or "none;" and the ſecond in theſe terms, "Whether they are to ſerve eight or "ten years;" and after ſome reaſoning, which of the two ſhould be the ſtate of the vote, "Firſt or ſecond,"

The Earl of Abercorn gave in a proteſt againſt the firſt ſtate of the vote in theſe terms: "I proteſt againſt the ſtating of the firſt vote, becauſe, which way ſo-"ever it may be carried, it, in my humble opinion, elides one of the two votes "paſt yeſterday, relating to the additional clauſe; for if it ſhould be carried, "that a writer to the ſignet may be admitted to be an ordinary lord of the ſeſ-"ſion, without limiting a reaſonable time for qualifying himſelf by experience, "as to the practical part of the law, then that ſeems to be inconſiſtent with the vote,

" vote, requiring advotes undergoing a five-years probation at the bar: on the " other hand, if the vote ſhould be carried for a writer's being twenty years in " that ſtation, before being capable to be named by the Sovereign to be an or- " dinary lord of the ſeſſion, that ſeems to be tantamount to an abſolute excluſion " of writers from the ſaid office." And thereupon he took inſtruments.

Then the vote was put, " Firſt or ſecond," and it carried, " Second." Thereafter the vote was put, " Eight or ten years," and it carried, " Ten years."

Then a motion was made for an additional clauſe, in relation to the qualification of writers, in theſe terms: " With this proviſion, that no writer to the ſignet " be capable to be admitted a lord of the ſeſſion, unleſs he undergo a private and " publick tryal on the civil law before the faculty of advocates, and be found by " them qualified for the above-ſaid office two years before they ſhall be named " to be a lord of the ſeſſion; and after reaſoning thereon, the vote was ſtated, " Add the clauſe or not."

But before voting, it was moved, " That the qualifications made, or to be " made, for capacitating perſons to be named ordinary lords of ſeſſion, ſhall be " alterable by the Parliament of Great Britain;" and after debate, it was put to the vote, " Alterable or not," and it carried " Alterable."

Then the vote was put, " Add the clauſe in relation to the qualification of " writers, and it carried " Add."

Thereafter the ſecond clauſe of the nineteenth article of Union, in relation to the Courts of Juſticiary, was read, and agreed to.

And the third clauſe, in relation to the Admiralty, was alſo read, and agreed to.

Thereafter the other clauſes of the ſaid nineteenth article, in relation to the Court of Exchequer and other courts, and alſo the remainder of the article, was read, and agreed to.

Then the vote was put, " Approve of the nineteenth article as amended, or " not," and it carried, " Approve."

Adjourned till to-morrow at ten o'clock.

OBSERVATION L.

There needs little to be ſaid of this day's work, our laſt obſervation having ſtated the caſe, and the vote itſelf being more particular than ordinary in that matter.

The writers to the ſignet were admitted to be made ordinary lords of the ſeſſion, upon conditions and qualifications as by the minute, viz. ten years continuance as writer, and two years afterward paſſing a trial before the advocates.

But it may not be unneceſſary to note, that all this debate had ſome ground for it that did not yet appear, and ſome perſonal views were in it on either hand: the latter it can be of no uſe to meddle with here; but the reaſons in general of this debate were, to foreclose the admitting perſons

to be judges, who had not been bred to the law, a thing really ſignificant in itſelf, and which ſome alledged had been but too much practiſed in Scotland, to the great prejudice of the College of Juſtice in general, the injury of the gentlemen who were bred up to the ſtudy of, and had run through long practice in the law, and not much to the reputation of the whole Seſſion in general. It was ſaid alſo, that there were views of this ſort at this time, and that much of the debate was founded upon that head, but this I will not affirm; it is certain, the lawyers made no ſmall ſtruggle in the caſe of qualifications on both ſides: the people generally ſeemed very well pleaſed with the limitations, as what ſeemed very much to regard the reputation of the law, and be ſome ſecurity for the time to come; that ſuch as ſhall be advanced to be judges of the law, ſhall be choſen from among thoſe who beſt underſtand the law. At laſt the debate ſeemed to meet with ſome interruption on account of ſubmitting theſe qualifications to the Parliament of Great Britain. This was oppoſed by ſeveral ſorts of people; and it may be noted, ſome were for ſubmitting this to ſuch alteration, who were very warm againſt ſubmitting other things. Their reaſons were plain to the perſons concerned; but being of no public conſequence to record thoſe things, I leave them to the obſervation of the reſpective parties.

It was at laſt ſettled, as per the vote, "Alterable by the Britiſh Parliament." And I cannot but note, that thoſe gentlemen, who expect the limitations ſhall be enlarged by a Britiſh Parliament, and were, on that account, forward to ſubject it to ſuch alteration, may very probably be diſappointed; Parliaments in England having, on all occaſions, ſhewn themſelves forward to ſecure a ſucceſſion of able and well-qualified perſons to be judges in England, and will no doubt be careful of the ſame in Scotland, whenever that caſe ſhall come before them.

MINUTE LI.

Saturday, January 4, 1707.

Prayers ſaid.

Rolls called.

Act in favours of the burgh of Dundee, for an impoſition of two pennies upon the pint of ale and beer, to be browen and vended within the bounds, and for the uſes therein mentioned, read a ſecond time; and after reaſoning thereon, a clauſe was offered to be added thereto, impowering overſeers and managers of the ſaid impoſition, and with power to determine how it ſhould be uplifted, whether out of the malt or out of the liquor; and a petition given in for the brewers of Dundee againſt the ſaid act was read; and another clauſe was offered to be added to the ſaid act in favours of Mr. James Anderſon, in theſe terms, "With "this

" this proviſion, as it is hereby expreſſly provided and declared, that the ſaid " impoſition is, and ſhall be burdened with the ſum of twelve hundred pounds " yearly, for the ſpace of ſix years, to be payed to Mr. James Anderſon, " writer to the ſignet, or his aſſigneys, as a part of the expenſes of the work " recommended to him by the Parliament, and that at two terms in the year, " Martinmas and Whitſunday, beginning the firſt terms payment at Martin- " maſs, 1707 years; and ordains the magiſtrates of the ſaid burgh to make " payment of the ſame accordingly." Which being read, it was agreed to add the ſaid clauſe; and after farther reaſoning on the ſaid act, ſeveral other amendments were made thereupon, and after debate on the above petition for the brewers, and clauſe in relation to the management, it was put to the vote, " Approve of the act as amended, or add the clauſe," and it carried, " Ap- " prove."

Then the Lord Chancellor, by order of Her Majeſties High Commiſſioner, acquainted the Parliament, that in this ſeſſion of Parliament, other two days ſhall be appointed for private buſineſs.

Draught of an act for diſſolution of the lands of Orkney and Zetland from the Crown, in favours of the Earl of Mortoun, read and agreed; that the feu-duty payable therefore, ſhall be ſix thouſand pounds, and that the Queen's haulks be reſerved, and a firſt reading ordered to be marked thereon; and agreed that the ſaid act ſhall be firſt proceeded upon the firſt *ſederunt* for private buſineſs preferable to all others.

Petition, John Henry Huguetan, craving to be naturalized, and alſo craving a protection, again read, and thereafter an act for his naturalization was alſo read; and ficklike, an act for the naturalization of Colonel Scipio Hill; Lieutenant-colonel Henry Verriere of Her Majeſties regiment of foot-guards; Lieutenant-colonel John Cadour, Captain in Major-general Maitland's regiment; Captain Theadore Dury, Her Majeſties chief engineer; Captain Daniel Charlot, Brigadier in Her Majeſties troop of guards; Captain John Burjond, in Colonel Grant's regiment; Captain James Cavalier, Lieutenant in Her Majeſties troop of horſe granadeers; Enſign Peter Charantoun, in the Lord Strathnaver's regiment; Peter Cregut, formerly Lieutenant in Sir William Douglaſs's regiment, Jeremiah Boſugne, Adjutant to Major-general Maitland's Regiment; Mr. James Leblanc, and Daniel Laſagette, merchants; Joſhua Legoux, ſervitor to the Earl of Roxburgh; Francis Gobron, late ſervitor to the Earl of Crawfurd; Peter Biſhop, alias Lamar, ſervitor to the Earl of Strathmore; Mr. John Godfrey, preacher of the goſpel; and Major Belſhazer Guydet, Captain of dragoons in the Marquiſs of Lothian's regiment, was read; and a firſt reading ordered to be marked upon the ſaid acts.

And after debate upon the above petition as to the protection, it was moved, that a deliverance be granted thereon, in the following terms, viz. " That

for

" for the better enabling the petitioner to re-eſtabliſh his affairs and ſatisfie " his juſt debts, protection be granted for the ſpace of ſeven years to the pe- " titioner's perſon; and alſo, that protection for the ſpace foreſaid be granted " to the petitioner's goods and eſtate, heretable and moveable, againſt dili- " gence at the inſtance of creditors, for ſuch debts as have been contracted " before April 1705 years; excepting ſuch debts as have been contracted to " any of the ſubjects of Her Majeſties dominions, or ſuch debts as have been " originally contracted to the ſubjects of her Majeſties allies, or which ſhall " be made appear by the creditors before the Judge Ordinary, to have been " transferred to them bona fide, and for adequate onerous cauſes, before the " twelfth of December laſt; providing always the petitioner reſide within " this kingdom during the time of the ſaid protection."

And after farther debate, it was put to the vote, " Grant protection to the " petitioner in the above terms or delay till the act for his naturalization get a " ſecond reading," and it carried, " Grant protection in the above terms."

Agreed, that the act in favours of the burgh of Aberdeen, for an impoſition in the terms therein mentioned, be under conſideration the firſt *ſederunt* for private buſineſs, next to the act in favours of the Earl of Mortoun.

Then it was intimate, that there being an action upon the proteſt for remeid of law, Sir Thomas Dalziel, of Binns, againſt the Lady Caldwell and her huſband, the procurators for the Lady Caldwell and her huſband be ready to anſwer againſt the next *ſederunt* for private buſineſs, and Sir David Dalrymple, authorized to plead for the purſuer.

Petition for the heretors and tradeſmen of the Cannongate, for a remit to the Commiſſioners of Supply of the ſhire, to value their tenements and yards, and to eſtabliſh a ſettled valuation thereof, that conform to the valuation, they may pay their proportion of ceſs to the Good-town, for their relief thereof, read, and appointed to be ſeen and anſwered againſt the next *ſederunt* of Parliament for private buſineſs,

Agreed that my Lord Chancellor rank and bring in private buſineſs to the Parliament the following days for private buſineſs as he finds juſt.

Adjourned till Monday next at ten o'clock.

OBSERVATION LI.

This was a day for private buſineſs, and I ſhould have wholly omitted the minute of it, but on the following occaſion:

Firſt, To note how the Parliament of Scotland, on all occaſions, encouraged learning and induſtry, and particularly the labours and ſtudy of Mr.

James Anderſon, a gentlemen bred to the ſtudy of the laws of Scotland, but by his own inclination, led into that painful, but moſt excellent and uſeful ſtudy of Antiquity: in the proſecution of which, he had begun a moſt tedious and chargeable work in ſearch after the antiquities of Scotland; and had formerly laid before them the ſpecimens he had made of that work, which met with a general approbation, and the reward allotted him for it, ſhews the ſenſe the Houſe had of the greatneſs of the undertaking; which if that gentleman live to finiſh, it may let the world know, their money was not ill beſtowed.

The naturalizing Monſieur Huguetan, was a thing lay open to ſome reflections, and at firſt looked meanly enough. The man was fled from France, and as was ſaid, had defrauded the King of France and private perſons alſo of great ſums of money; and finding himſelf unſafe in England, where a commiſſion of bankrupt had been attempted to be ſued out, he ſought protection here.

However, the Parliament conſented to the naturalization, but limited and reſtricted the protection he ſought, with ſuch juſt and reaſonable clauſes, as that Monſieur Huguetan never thought fit to take the benefit of it, but went away to Holland, where, what became of him, how he was near being trepanned away into France, where his fate had been moſt certain; how the States General reſented the attempt, and puniſhed the perſons, though at the ſame time they did it in reſpect to their own juriſdictions and conſtitution, rather than in reſpect to the perſon. How, afterward, he was married to Madamoiſelle D'Odyke, in ſpite of all the oppoſition made by Monſieur D'Auverkirke, her near relation, and Velt Marſhal of the forces of the States. Theſe things, as not material to this hiſtory, I ſhall take no notice of, and only mention the other, to let the world ſee, that, though the enemies of Scotland loudly clamoured, that for the ſake of bringing money thither, they would make themſelves the ſanctuary of the moſt infamous perſons; yet, that upon the application of this man, they clogged the favour they beſtowed with ſuch juſt clauſes in relief of the claims of private perſons, that, if the perſon ſought any ſanctuary againſt his juſt debts, he found it was not to be obtained in Scotland, and therefore he was ſo far diſappointed. As to his public affair with the government in France, it did not appear other than by report; and no public body could be obliged to provide againſt any thing that they had no documents to prove, and which nobody appeared to accuſe him of.

MINUTE

MINUTE LII.

Monday, January 6, 1707.

Prayers ſaid.

Rolls called.

Then the following addreſſes were given in and read ,viz. Addreſs of barons, freeholders, heretors, gentlemen, and others in the ſhire of Aberdeen, ſubſcribers of the ſame; addreſs of barons, freeholders, heretors, gentlemen, and others in the ſhire of Kincardine and town of Stonehaven, ſubſcribing the ſame; an addreſs of inhabitants of the town of Peterhead, ſubſcribers of the ſame; all againſt an Union with England in the terms of the articles.

Overture for an act anent the Admiral Court, read, and ordered to be printed.

A report brought in from the Committee to whom the conſideration of the coyn was remitted, was read, as alſo a proclamation in relation thereto; and after reaſoning thereon, both were remitted back to the ſaid Committee to be farther conſidered.

Then the twentieth article of Union was read; and it was moved, " That " a clauſe ſhould be added thereto for preſerving the whole records and re- " giſters, both general and particular, and warrants thereof, and for detaining " and keeping them within this kingdom in all time coming:" and after reaſoning thereon it was agreed, " That, when the twenty-fourth article falls " under conſideration, a clauſe to that effect ſhall be brought in to be added " thereto."

Agreed, that after the words, " heretable offices," and " heretable juriſ- " dictions," the word " ſuperiorities" be added to the ſaid article: and the article being read over with the ſaid addition, the vote was put, " Approve " the twentieth article of Union or not;" and it carried, " Approve."

Then the twentieth firſt article of Union was read; and after reaſoning, it was moved, to add a clauſe thereto in theſe terms, " ſubject nevertheleſs to " ſuch alterations as the Parliament of Great Britain ſhall think fit." And after farther reaſoning thereon, two ſtates of a vote were offered; the firſt in theſe terms, " Approve the article or not." The ſecond in theſe terms, " Add " the clauſe or not:" and after ſome reaſoning which ſhould be the ſtate of the vote, " Firſt or ſecond,"

It was agreed, that the members votes ſhall be marked, and that the liſt of their names, as they vote, ſhall be printed and recorded.

Then the vote was put, " Which ſhall be the ſtate of the vote, firſt or ſe- " cond;" and it carried, " Firſt."

Thereafter, the vote was put, "Approve the twenty-firſt article of Union, "or not;" and it carried, "Approve."

Then the twenty-ſecond article of Union was read; and the conſideration thereof delayed till next *ſederunt* of Parliament, to be then proceeded upon previous to all other buſineſs.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LII.

The affair of the Courts of Admiralty and Exchequer need very little remark; they were by the nineteenth article reſerved, and their diſtinct powers are very expreſſly ſtated in the article itſelf; nor did it occaſion any great debate in Parliament; for thoſe debates which were raiſed upon a ſuppoſition of the Union taking place, it was obſerved, gave the Houſe the leaſt trouble; which I take to be a farther proof, that the main deſign in oppoſing and debating the particulars was, as they pointed at the general; and it was therefore a juſt obſervation, that any head of argument became more or leſs vigorouſly oppoſed, as it more or leſs puſhed at the Union in general.

The office of the Lord High Admiral for all Britain, it was abſolutely neceſſary to reduce to one. But the Courts of Admiralty having their ſeveral juriſdictions and authorities were as neceſſary as ſeveral private rights, which by the next article were to be reſerved, depending entirely upon it.

The heretable rights of Admiralty, and the Vice Admiralties, were alſo neceſſary to be ſupported; and all theſe things made it abſolutely neceſſary to preſerve a Court of Admiralty, the trials being to be had in Scotland, and which by the conſtitution and laws of Scotland, reſerved as before, could not be legally transferred to, or taken cognizance of, by the Court of Admiralty of England.

The like in the affair of the Exchequer, where, if the ſeizures of the cuſtoms, if private rights and debates between the Queen and ſubject, could not have been tried in Scotland, the general reſerve of the laws to Scotland could not have been maintained, and the ſubject would have been put to intolerable inconveniences and expences in purſuing and defending in all pleas of the Crown, or caſes between the Queen and her ſubjects.

Theſe things, therefore admitted of very little debate, but were regulated by the methods required by the cuſtoms and forms of laws, and then paſt, as it were, in courſe.

The affair of the Privy Council was alſo left to its own fate, the ſtory of which I omit here, becauſe it will come neceſſarily to be ſpoken of in the

ſubſequent part of this Hiſtory, when it was depoſed with ſome ſtruggle, and, as ſome thought, a little ſooner than was needful.

The preſent article, which I take to be a very extenſive one, had paſſed, and been in all its parts unexceptionable, had not one unhappy word been brought in, and this was, the word "ſuperiorities;" but this being added, without any condition or power left in Parliament to diſſolve thoſe ſuperiorities, upon an equivalent to the owners, whenever the united Parliament ſhould find occaſion for the public good to do ſo, has bound down Scotland to the private tyranny and oppreſſion of the heretors and lairds, which it is eaſy to make appear, is at this time one of the greateſt objections to her peace and proſperity.

The ſuperiorities meant here are the rights of vaſſalage which the gentry of Scotland have over the people; which, as it is extended, gives the chiefs and heads of clans, lairds, and heretors, ſuch an abſolute dominion over both the perſons and goods of the poor ſubjected people, as ſeems perfectly inconſiſtent both with the peace and improvement of Scotland in particular, or of any free nation in general; and this two ways.

1. As it gives too great a power to particular perſons, who are thereby rendered independent of the law, and put in too eaſy a condition to inſult the government, and break the public peace; inſtances of which have been given ſince the Union, as ſhall particularly appear in the proceſs of this hiſtory, where perſons by the aſſiſtance of their tenantry, and the dominion of their own ſuperiorities, protected themſelves from the public juſtice, and bid defiance to the juſt reſentments and ſuſpicions of the government, even in a time of French invaſion. That a power to put any one in ſuch a poſture, is inconſiſtent with the public peace, I need not ſpend time here to diſpute, and Scotland may have, and I doubt not will have occaſion to acknowledge.

2. As it keeps the common people and tenantry of Scotland in a condition inconſiſtent with the liberty of a free nation, and under an intolerable ſlavery to their landlords, by which they are effectually prevented either improving their ſtocks for themſelves, or their lands for their landlords, which the landlord himſelf effectually prevents, by his abſolutely ruining and devouring their induſtry at his own will.

This ſubject is too long for the extent of a ſingle obſervation, and will be more particularly ſpoken to in its place: but I note it here as the proper ſubject of the place, this being the day when it was introduced into the treaty, and had only this unhappineſs, that it came in, as it were, by head and ſhoulders, without any previous conditionary clauſe. I do not alledge, that

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the ſuperiorities of the gentry ſhould have been taken away by law, without ſatisfaction made to the private eſtates of thoſe from whom they ſhould have been taken; farther is it yet from me to ſay or think they ſhould be ſurrendered to the Crown. But certainly had it been left to a Parliament of Great Britain, to have diſſolved them upon any juſt occaſion, and, by land or money, have made a full recompence to the proprietors, and ſo have broken that bond of ſlavery by which Scotland has been ſo long depreſſed, and the poor kept poor, their induſtry diſcouraged, and their labour devoured, from that day the nation had dated its liberty and proſperity; plenty, and encouragement to trade and manufactures muſt have followed; ſince no people can be ſuppoſed to work cheerfully, when they cannot enjoy what they gain or call it their own.

But this was a time of hurry, and people could not look about them as at other times; nor was the liberty of the poor people ſo near in view as to move that concern in men's minds, which, perhaps were it now to be done, might be otherwiſe: whether this or the fate of Scotland, I ſhall not determine, as the cauſe of the omiſſion: but it is evident the thing is, unhappily for Scotland, omitted, and that great opportunity of extending the love of liberty, as well as the taſte of it to all the people, irrecoverably loſt.

The rights of the burghs came next to be debated; the whole rights of the boroughs were reſerved to them by the Union; nor was any thing offered now to abridge thoſe rights; yet it was thought, it both might be the advantage of the boroughs, and of the nation in general, to have thoſe rights ſubjected to parliamentary regulations: but ſome people took an alarm at this, as if the Parliament in time coming would take away the privileges of the royal boroughs: and thus, in this particular time of jealouſy, the great advantages which both the burghs of Scotland in particular, and the people of Scotland in general, might have had from parliamentary regulations, were loſt and foreclоſed, and the door barred againſt any future alterations to be made by Parliament, were they never ſo much to the advantage and benefit of the reſpective parts.

The next thing brought upon the ſtage was the number and manner of electing the repreſentative; it had been moved in the debates of the third article, but was purpoſely adjourned to this, as the proper time of entering upon it. It was too long an affair to begin at the end of the day, ſo it was adjourned to the next *ſederunt*, when it took up time enough.

MINUTE LIII.

Tueſday, January 7, 1707.

Prayers ſaid.

Rolls called.

The twenty-ſecond article of Union again read, and thereafter the firſt paragraph thereof, in relation to the number of repreſentatives for Scotland in the Parliament of Great Britain, was read over again; and after long debate, a vote was ſtated, "Approve of the firſt paragraph of the twenty-ſecond article or "not."

But before voting, there were four ſeveral proteſts given in, viz. one by the Duke of Athole, a ſecond by the Earl of Buchan; a third by George Lockhart, of Carnwath; and a fourth by Walter Stuart, Commiſſioner for the burgh of Linlithgow, all againſt the ſaid vote, and the ſeveral proteſters took inſtruments thereupon.

Likeas, a fifth proteſt was given in by the Earl of Errol, in theſe terms: "I Charles, Earl of Errol, Lord High Conſtable of Scotland, do hereby "proteſt, That the office of High Conſtable of Scotland, with all the rights "and privileges of the ſame, belonging to me heretably, and depending upon "the monarchy, ſovereignty, and antient conſtitution of this kingdom, may "not be weakened nor prejudged by the concluſion of the treaty of Union be-"twixt Scotland and England, nor any article, clauſe, or condition thereof, "but that the ſaid heretable office, with all the rights and privileges thereof, "may continue and remain to me, and my ſucceſſors, intire and unhurt by "any votes or acts of Parliament, or other proceedings whatſoever relative to "the ſaid Union: and I crave this my proteſtation may be admitted and re-"corded in the regiſters and rolls of Parliament."

And a ſixth proteſt was given in by the Earl Mariſchal in theſe terms: "I "William Earl Mariſchal, do hereby proteſt, that whatever is contained in "any article of the treaty of Union betwixt Scotland and England, ſhall no-"manner of way derogate from, or be prejudicial to me, or my ſucceſſors, in "our heretable office of Great Mariſchal of Scotland in all time coming, or "in the full and free enjoyment and exerciſe of the haill rights, dig-"nities, titles, honours, powers and privileges thereto belonging, which "my anceſtors and I have poſſeſſed and exerciſed as rights of property theſe "ſeven hundred years. And I do further proteſt, that the Parliament of "Scotland, and conſtitution thereof, may remain and continue as formerly: "and I deſire this my proteſtation to be inſert in the minutes, and recorded "in the books of Parliament, and thereupon takes inſtruments."

Which proteſtations being read, the ſeveral proteſters took inſtruments upon their reſpective proteſts.

And it was agreed, that the members votes be marked, and that a liſt of their names, as they ſhall vote, be printed and recorded, and that, at calling the rolls, the adherers to the above reſpective proteſts be marked; as alſo, the Lord Chancellor was allowed to have his name marked, printed, and recorded as an approver.

Then the vote was put, "Approve the firſt paragraph of the twenty-ſecond "article of Union or not;" and it carried, "Approve." And the Earl of Caithneſs, the Viſcount of Stormount, the Lords Oliphant, Balmerino, Bargany, and Kinnaird; John Briſbane, younger, of Biſhoptoun; Sir Humphrey Colquhoun, of Luſs; Sir Patrick Murray, of Auchtertyre; John Murray, of Strowan; James Ogilvie, younger, of Boyne; Alexander Macky, of Palgown; James Sinclair, of Stempſter; Alexander Robertſon, Alexander Duff, Francis Moliſon, Robert Scot, Archibald Shiels, Mr. John Lyon, Mr. John Carruthers, George Home, John Bayne, and Mr. Robert Frazer, adhered to the Duke of Athole's proteſt; and Andrew Fletcher, of Saltoun; Sir Robert Sinclair, of Longformacus; Sir Hugh Cathcart, of Carletoun: the ſaid John Briſbane, younger, of Biſhoptoun; Mr. William Cochran, of Kilmaronock; Sir Humphry Colquhoun, of Luſs; Robert Rollo, of Powhouſe; Mr. James Carnagie, of Phinhaven; David Graham, of Fintrie; and the ſaid James Sinclair, of Stempſter, adhered to George Lockhart of Carnwath's proteſt; and the Earls of Crawfurd and Galloway adhered to the Earl of Buchan's proteſt.

Then the ſecond paragraph of the ſaid twenty-ſecond article, anent the calling of the repreſentatives from Scotland to the Parliament of Great Britain, beginning thus, "And that when Her Majeſty," &c. and ending, "That the "names of the perſons ſo ſummoned and elected ſhall be returned by the "Privy Council of Scotland, into the Court from whence the ſaid writ did "iſſue," was again read; and after ſome reaſoning, an explanation was offered to be added after theſe words, "According to the agreement in this treaty, "viz. In ſuch manner as by a ſubſequent act of this preſent ſeſſion of the "Parliament of Scotland ſhall be ſettled; which act is hereby declared "to be as valid, as if it were a part of, and ingroſſed in, this treaty." And after farther reaſoning, it was moved, "That the way and manner "of chooſing the repreſentatives for Scotland to the Parliament of Great "Britain, be determined, and that a clauſe to that purpoſe be ingroſſed in "this article." And after debate, the vote was ſtated, "Approve of the "ſecond paragraph of the ſaid twenty-ſecond article, as above explained, "yea or not."

Whereupon it being moved to delay the ſaid vote till next *ſederunt* of Parliament, a previous vote was ſtated, "Proceed or delay;" and it carried, "Proceed."

Then it was put to the vote, "Approve of the ſecond paragraph of the "twenty-ſecond article of Union with the explanation above inſert, or not."

And

And the clauſe with the explanation being thereupon again read, before voting, the Earl of Abercorn gave in the following proteſt, viz. " I proteſt againſt the " ſettling the repreſentatives of Scotland for the Parliament of Great Britain " after a diſtinct manner, from what might be appointed by the vote approving " of the two and twentieth article; becauſe I do not ſee clear into what may be " the conſequence thereof." And thereupon he took inſtruments.

Then the vote was put, " Approve or not;" and it carried, " Approve."

Adjourned till to-morrow at ten o'clock.

OBSERVATION XLIII.

The affair of the number of the repreſentative, whether of the nobility or commons, was the contents of the firſt paragraph now debated; how, and with what difficulty, this part of the equality was ſettled in England, has been noted already, and the reaſonableneſs of the proportion duly ſtated there.

It was indeed urged again here, and ſeveral ways diſputed, but the diſputes here ſeemed to look another way; and firſt it was vigorouſly oppoſed, that Scotland ſhould come to any repreſentative at all; that her whole Parliament ſhould ſit in conjunction with the Engliſh Parliament, and long ſpeeches were made on that head; ſome alledging, that it was diſhonourable to Scotland to leſſen the number of her repreſentative, while England retained her entire Parliament; others again attempted to argue againſt the very uniting of the Parliament at all, though that was forecloſed by the firſt vote paſſed on the third article. Others yet went into the merit of the cauſe, and to examine the juſt proportion of the repreſentative, and theſe objected very vigorouſly, that the numbers were not equal; the opinions were variouſly divided, as to the foundation of a true equality, upon what principle an equality of proportions could be raiſed; ſome ſtating the numbers of people to be the teſt of the repreſentative; others the proportion of taxes; ſome an eſtimate from both; others alledged, there could be no juſt rule laid down, how an equal proportion of repreſentatives could be made, to balance a kingdom that is not itſelf equally repreſented, and that before England had required Scotland to reduce their repreſentative to a juſt proportion to her, ſhe ought to have reduced her own repreſentative to a juſt proportion to herſelf, either in number of people, or payment of taxes, neither of which, as they alledged, were at all regarded in the Engliſh repreſentative; that it was the complaint in England, and ſeveral had wrote very warmly upon that ſubject, that their taxes were not equally levied, or their people equally repreſented; and it was unreaſonable to talk of proportioning Scotland to a country, whoſe repreſentative was not in itſelf equal.

There were ſeveral anſwers given to this; the preſent circumſtances of both nations in general ſeemed to be the trueſt foundation of a proportion, wherein, though

though the particular towns in England might not be juſtly proportioned, yet the general might be equal, and thus, without inquiring whether the parts of the repreſentative were equally choſen in England, it might be a juſt proportion, in having the whole brought to a ſtate; and if the number for Scotland bore the ſame proportion to the number for England, as the numbers of people, and wealth or payment of taxes, jointly conſidered, of the one part bore to the ſame articles in the other, the equality was then preſerved.

It was remembered, that this had been fully debated in England, and that the number was brought up to the higheſt proportion that England could poſſibly grant; Mr. Seton, in his ſpeech, printed in the Minutes herewith, folio 360, declared, it was above what Scotland ought to expect, and that it was a full proportion. Upon the whole, this firſt clauſe was put to the vote, and paſſed by itſelf.

The ſcruples on the ſecond paragraph, as principally relating to the manner of iſſuing out the writs for electing the members, when they ſhould be choſen for the Parliament of Britain, I take no notice of here, referring that to the time when a ſeparate act came to be debated in the Houſe for the ſaid election. Of which in its place.

MINUTE LIV.

Wedneſday, January 8, 1707.

Prayers ſaid.

Rolls called.

Whereupon it being moved, "That the four proteſts given in the former "*ſederunt* by the Duke of Athole, the Earl of Buchan, George Lockhart of Carn- "wath, and Walter Stuart, ought not to be inſert in the minutes, nor to be "printed:" after ſome reaſoning thereon, the Earl of Marchmont gave in a proteſtation againſt the ſaid four proteſts, and took inſtruments thereupon. And the Lord Chancellor, the Marqueſs of Montroſe, Preſident of the Privy Council; the Duke of Argyll; the Marqueſs of Tweeddale, the Marqueſs of Lothian; the Earl of Mar, Lord Secretary; the Earl of Loudoun, Lord Secretary; the Earls of Sutherland, Rothes, Mortoun, Roxburgh, Dalhouſſie, Findlater, Leven, Balcarras, Forfar, Kintore, Hyndford, Glaſgow, Treaſurer Deput, Delorain, and Ilay; the Lords Forbes, Elphingſtoun, Roſs, Torphichen, Fraſer, Banff, Rollo, the Lord Regiſter, the Lord Juſtice Clerk; Sir John Swinton, of that ilk; Sir Alexander Campbell, of Ceſnock; Sir William Ker, of Greenhead; Archibald Douglaſs, of Cavers; Mr. John Murray, of Bowhill; Mr. John Pringle, of Haining; William Moriſon, of Preſtoungrange; George Baillie, of Jerviſwood; William Douglaſs, of Dornock; Mr. Francis Montgomery, of Giffen; Mungo Grahame, of Gorthie; William Seton, younger,

younger, of Pitmedden; Alexander Grant, younger, of that ilk; Mr. John Campbell, of Mammore; Sir James Campbell, of Auchinbreck; James Campbell, younger, of Ardkinglaſs; James Halyburton, of Piteur; Alexander Abercrombie, of Glaſſoch; Alexander Douglaſs, of Eaglisham; Sir Patrick Johnſtoun; Lieutenant-colonel John Areſkine; John Mure, James Spittle, Sir Andrew Home, Mr. William Carmichael, Sir Alexander Ogilvie, Mr. John Clark, Mr. Patrick Ogilvie, George Allardyce, Mr. James Bethun, Daniel Campbell, Mr. Robert Douglaſs, Mr. Alexander Maitland, and Mr. Charles Campbell, adhered thereto. And after long reaſoning thereupon, the farther debate was adjourned till next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LIV.

This affair of the four proteſts being renewed the next *ſederunt*, I need make no obſervations upon them; the Earl of Marchmont made a counter proteſt, as per the minute; but all this did not obſtruct the paſſing the article, nor any other of the proceedings. As to the ſubject of the four proteſts, they ſhall come in in their courſe.

MINUTE LV.

Thurſday, January 9, 1707.

Prayers ſaid.
Rolls called.

Then the debate mentioned in the minutes of the ſaid laſt *ſederunt* was reſumed, in relation to the four proteſtations given in the ſeventh inſtant by the Duke of Athole, the Earl of Buchan; George Lockhart, of Carnwath; and Walter Stuart; and in relation to another proteſtation againſt the ſame, given in the laſt *ſederunt* by the Earl of Marchmount.

And after reaſoning, the Lord Balmerino gave in a proteſt againſt that given in the former *ſederunt* by the Earl of Marchmount, and took inſtruments thereupon; and the Duke of Hamilton, the Duke of Athole; the Earls of Errol, Mariſchal, Buchan, Eglington, Wigton, Galloway, and Selkirk; the Viſcounts of Stormount and Kilſyth; the Lords Semple, Oliphant, Blantyre, Bargany, and Kinnaird; George Lockhart, of Carnwath; Andrew Fletcher, of Saltoun; Mr. William Cochran, of Kilmaronock; Sir Humphray Colquhoun, of Luſs; Robert Rollo, of Powhouſe; John Murray, of Strowan; Mr. James Carnagie, of Phinhaven; David Grahame, younger, of Fintrie; Alexander Mackye, of Palgown; Alexander Edgar, Alexander Duff, Francis Moliſon, Archibald Shiels, Mr. John Lyon, Mr. John Carruthers, George Home, and Mr. Robert Frazer, adhered thereto.

And

And after ſome farther debate, it was agreed, that none of the above proteſts be inſert at length in the minutes, or printed, but that they be all recorded and inſert in the records of Parliament.

Then the third paragraph of the twenty-ſecond article of Union, beginning thus: "And if Her Majeſty, on or before the firſt day of May next," &c. and ending with theſe words: "And that Parliaments may continue for ſuch time "only as the preſent Parliament of England might have continued if the Union "of the two kingdoms had not been made, unleſs ſooner diſſolved by Her Ma-"jeſty," was read.

And after reaſoning thereon, it was moved to add the following clauſe thereto, viz. "And that the ſaid Parliament of Great Britain ſhall meet and ſit once in three "years, at leaſt, in that part of Great Britain now called Scotland."

And after farther debate, there were two ſtates of a vote offered, the firſt in theſe terms: "Approve the third paragraph of the twenty-ſecond article, or not:" and the ſecond in theſe terms, "Add the above clauſe, or not;" and after reaſoning which ſhould be the ſtate of the vote, it was put to the vote, "Firſt, "or Second."

And it was agreed, that the members votes ſhall be marked; and that the liſt of their names as they vote be printed and recorded, and the Lord Chancellor was allowed to have his name printed and recorded as a voter for the firſt ſtate, and if that ſhall carry, as voting among the approvers.

Then the vote was put, "Firſt, or Second," and it carried, "Firſt." Thereafter the vote was put, "Approve the third paragraph of the twenty-ſecond "article, or not;" and it carried, "Approve."

Then the reſt of the twenty-ſecond article of Union was read; and after ſome reaſoning and reading of the oaths to which it relates, an overture was given in for an additional clauſe for explaining the word "Limitation," mentioned in the oath appointed to be taken by ſtatute 13 W. 3. cap. 6.

And another overture was given in, for exeeming perſons in any office or employments in Scotland, from taking the oath of abjuration mentioned in the ſaid article.

And a third overture for a clauſe, That ſo long as the act appointing a ſacramental teſt ſhall continue in force in England, all perſons in publick truſt within the limits of Scotland, ſhall ſwear and ſign a formula thereto ſubjoyned, in manner and under the penalties therein mentioned.

And after reading the ſaid three overtures, and reaſoning thereon, a vote was ſtated, "Approve of the twenty-ſecond article of Union as explained, or not."

But before voting it was agreed, that notwithſtanding of the ſaid vote, and that the article ſhall be thereby approven, it ſhall nevertheleſs be intire and free thereafter to proceed on the ſaid overtures next *ſederunt* of Parliament, and to the Parliament to give their ſentiments thereon.

And it being thereupon moved to delay the vote for approving the article till next *ſederunt*,

A previous vote was ſtated, "Proceed, or delay;" and it carried, "Proceed."

Then the vote was ſtated, "Approve, or not."

But before voting, it was agreed, that the members votes be marked, and that the liſt of their names as they vote be printed and recorded, and the Lord Chancellor was allowed to have his name printed and recorded as an approver.

Thereafter the vote was put; "Approve the twenty-ſecond article, as explained, or not;" and it carried, "Approve."

Adjourned till to-morrow at ten o'clock.

OBSERVATION LV.

The debate about the proteſtations of the four gentlemen above mentioned, ended now, after ſome heat, in ordering the proteſtations to be recorded and enrolled in the regiſters of Parliament, which ſatisfied all parties.

It was very much inquired after, why theſe proteſtations ſhould not be made public, ſince the gentlemen that made them did not concern themſelves to conceal them; ſome alledged, the Parliament behoved to enter into a confutation of the matter of the proteſts, if they made them public, and either to approve or cenſure them: others thought, the publiſhing them might do harm among the people; and that ſince the Parliament were now juſt at the end of the work, it was better to keep them all eaſy, than ſtart any new diſpute. So the proteſts were not publiſhed, but entered in the rolls or regiſters office of the kingdom of Scotland, from whence the true copies of them are taken, and added in the Appendix to this work, No. K. L. M. N.

Then they went upon the debate of triennial Parliaments, included in the third paragraph of the twenty-ſecond article, and ſome were very urgent for a new clauſe, as in the minute; but when the gentlemen were put in mind, that by the very words of the paragraph, it was expreſſly provided, that the firſt Parliament of Great Britain could ſit no longer than the next enſuing ſeſſion, being the termination of the Engliſh Parliament then in being, and that by the act then in force in England, called the Triennial Act, every Parliament was to terminate in three years; the thing appeared already ſettled, and ſo admitted no farther debate, that law being, among others continued by the twenty-fifth article; of which in its order.

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It was very ſtrange, that notwithſtanding the debates of this day, and the expreſs proviſion of the treaty, many people flattered themſelves with the notion of the Parliaments continuing to ſit; nor could it be beaten out of their thoughts in England as well as in Scotland, till they ſaw the very preparations making for a new election.

The propoſal for explaining the ſeveral oaths to be taken by the members of the Britiſh Parliament was oppoſed, not that there could be any concealed oath that was not known to the members; and the particular oaths of Allegiance, the Declaration, and Abjuration, were laid before the Houſe: but the gentlemen who thought fit to oppoſe it, did it on this foot, that they thought the articles ſo expreſſly directed to the particular acts in which the ſaid oaths were contained, and in which no other oaths were expreſſed, that the acts being named at large and referred to, and the cuſtom and uſage of Parliament known and public, there could be no poſſible fraud, miſtake, or miſconſtruction, but that it was this way as expreſſly and directly pointed out, as if it had been repeated in the articles word for word.

The exception about the limitation, mentioned in the 13 William III. cap. 6, referring to the qualification of the ſucceſſors to the Crown, alſo will come to be ſpoken to again in its place.

The overture about the qualification of perſons to offices of truſt has been ſpoken to more than once already, and needs no farther obſervation at this time.

MINUTE LVI.

Friday, January 10, 1707.

Prayers ſaid.

Rolls called.

Addreſs of citizens, burgeſſes, trades, and other inhabitants within the town of Perth, ſubſcribers of the ſame, againſt an union with England in the terms of the articles, given in and read.

Then the overture for exeeming perſons in any office or employment in Scotland from taking the oath of Abjuration, mentioned in the twenty-ſecond article of Union, was again read; and after ſome reaſoning thereon, the overture was paſt from.

Thereafter the overture for additional clauſe to the ſaid twenty-ſecond article, for explaining the word limitation, mentioned in the oath appointed to be taken by ſtat. 13 W. 3, cap. 6, was again read in theſe terms: " Likeas it is declared, " that, by the word limitation in the oath mentioned in the above article, is

" only underſtood entail of the ſucceſſion, and not the conditions of government " upon the ſucceſſor; and that all perſons of Scotland, who may be lyable to " take the ſaid oath, ſwear it in that ſenſe only."

And after reaſoning thereon, the vote was put, " Add the ſaid clauſe or not," and it carried, " Not."

Then the third overture for a clauſe to be added to the ſaid twenty-ſecond article, mentioned in the minutes of the laſt *ſederunt*, was again read in theſe terms: " And farther, it is agreed, that ſo long as that part of the 2d act, anno 25, " ch. 2d, appointing a ſacramental Teſt, ſhall ſtand, and continue in force in " England, all perſons in public truſt, civil or military, within the limits of " Scotland, ſhall ſwear and ſign the Formula under written within ſix months " after the commencement of the Union: and all who ſhall be admitted to any " public truſt thereafter, ſhall, before exerciſing their ſaid office of truſt, ſwear " and ſubſcribe the ſame, to be adminiſtered by the Lords of Privy Council, or " any one of them, under the like penalties and diſabilities as are provided by " the foreſaid act made in the Parliament of England."

Follows the Formula, " I A. B. do ſincerely and ſolemnly declare, in the pre- " ſence of God, that I owne the Preſbyterian government of the church, as by " law eſtabliſhed in Scotland, to be a lawful government of the church; and " that I ſhall never, directly nor indirectly, endeavour the ſubverſion thereof, " nor any alteration in the worſhip, diſcipline, or government of the ſaid church, " as by law eſtabliſhed. So help me God."

And after reaſoning thereon, a vote was ſtated, " Add the clauſe or not;" but, before voting, it was agreed, that the members votes ſhall be marked, and that liſt of their names as they vote be printed and recorded.

Then the vote was put, " Add the clauſe or not," and carried, " Not."

Thereafter the twenty-third article of Union was read; and, after reaſoning thereon, the farther debate was adjourned till the next *ſederunt* of Parliament, to be then proceeded upon previous to all other buſineſs, except a proclamation to be then brought in, for propagating the dyet for the chooſing of collectors and clerks of the ſupply in the ſeveral ſhires of this kingdom, and continuing the laſt collectors and clerks for the term of Candleſmas next.

The Committee appointed to meet to morrow at ten of the clock in the uſual place.

Adjourned till Monday next at ten o'clock.

OBSERVATION LVI.

This whole day was taken up in debating the ſubject of the word limitation, mentioned in that famous act of 13th W. 3. in England: ſome had alledged, that, by that act, if any perſon took upon him the Crown of England, unqualified

lified by any of the articles therein named, the allegiance ſworn was not due, and that the ſubject would be thereby obliged, by his oath, to oppoſe ſuch ſucceſſor; others had declared the limitations to mean nothing but an entail of the ſucceſſion by Parliament, without any conditions of government; and upon theſe ſeeming uncertainties, the perſons that moved this clauſe demanded an explanation; but it was upon the whole not thought proper to undertake any explanation of an act, which, as it ſtood, ſeemed ſufficient to ſettle the Proteſtant ſucceſſion, and could not hurt the preſent ſcheme, ſince, ſo far as it might oppoſe any branch of the Union, it was provided againſt in the twenty-fifth article; and to put any conſtruction upon it, which might be inconſiſtent with the Engliſh affairs, would be but to lay a ſtumbling block in the way of the Union; and therefore this project was alſo rejected.

The affair of the ſacramental Teſt had been mentioned before, but never ſo plainly moved in Parliament as now; it had been moved in the commiſſion of the aſſembly, and great endeavours had been uſed to bring the miniſters in as objectors; and a formula like this had been propoſed there, as is noted already, but it failed on their ſide: the miniſters were, in the firſt place, not willing to meddle with things of that nature. And, ſecondly, as to the Formula, many of the miniſters gave their opinion, that they did not approve of impoſing any oath, or acknowledgment of the church, as a teſt of civil employment; and to have an oath of acknowledgment to the church of Scotland be a counter teſt, was a tacit approbation of the method practiſed in England, which they deteſted.

Others again were of the opinion, that the ſubjects of Scotland were already, by the Union, exempted from the ſacramental Teſt in England by two ſeveral clauſes; 1. In that the ſubjects of both kingdoms were, by the fourth article of the Union, to enjoy equal privileges and encouragements; and, 2. That, by the act for the ſecurity of the church government, no oath was to be impoſed upon the members of the church of Scotland, contrary to their principles. In arguing the firſt of theſe, it was alledged, That if a ſubject of Scotland taking the ſacrament in the national eſtabliſhed church of Scotland ſhall not be capable of any place of preferment under the government of Britain, as well as a ſubject of England taking the ſacrament in the national eſtabliſhed church of England, then do not the ſubjects of either kingdom enjoy equal privileges. And laſtly it was argued, that, by the laſt article of the treaty, the ſacramental Teſt might be underſtood to be actually repealed, as contraveening the equalities of the treaty.

Upon theſe debates it was thought, that to meddle with this matter might do much more harm than good; and therefore it was firſt let fall without doors, and now rejected within, and the article paſſed without it.

MINUTE

MINUTE LVII.

Monday, January 13, 1707.

Prayers ſaid.

Rolls called.

Then the twenty-third article of Union was again read, and after ſome reaſoning, an overture was given in for adding a clauſe thereto in theſe terms: "With this expreſs proviſion, that none of the Peers of Scotland ſhall have "perſonal protection within Scotland for any debts owing before the com-"mencement of the Union."

As alſo another overture was given in for adding a clauſe thereto in theſe terms: "That all the Peers of that part of Great Britain now called Scotland, "qualified according to law, ſhall, after the Union, have right to ſit covered in "the Houſe of Peers of Great Britain, notwithſtanding that the right to give "vote therein belongs only to the ſaid ſixteen Peers, who are to be ſummoned "in the manner appointed by the preceeding article."

And after reaſoning upon the ſaid two overtures, and upon two ſeparate motions, the firſt in relation "to allowing all the Peers of Scotland to ſit upon the "tryal of the Peers of Britain;" and the other in relation to their precedency according to their patents, the vote was ſtated in theſe terms: "Approve the twenty-third article of Union, or alter, reſerving intire the con-"ſideration of the above two overtures, and whether the ſame ſhall be added to "the article;" and it carried, "Approve."

Then the firſt overture for the clauſe, in relation to perſonal protection, was again read; and after debate, it was put to the vote, "Add the clauſe or not," and it carried, "Not."

Thereafter the ſecond overture, or a clauſe, "in relation to all the Peers of "Scotland, their ſitting covered in the Houſe of Peers of Great Britain," was again read; and after reaſoning, the vote was put, "Add the clauſe or not."

But before voting, it was agreed, that the members' votes ſhall be marked, and that the liſt of their names as they ſhall vote be printed and recorded.

Then it was put to the vote, "Add the clauſe or not," and it carried, "Not."

Adjourned till to-morrow at ten o'clock.

OBSERVATION LVII.

The debates of this day related wholly to the privileges of the Peers, and particularly to the differing privileges of thoſe who were to ſit in the Parliament of Great Britain, from thoſe who were not, that is, for the time they were to ſit: ſome would have it, that thoſe that did not ſit ſhould have no manner of privilege, any more than as a commoner, till ſuch time as they ſhould come to ſit by election in the Houſe of Lords, and then thoſe that were formerly ſitting Peers, or Parliament Lords, became diveſted of all their privileges, unleſs they were of the new election. Some thought the gentlemen who were of this opinion moved it chiefly to bring the Peers into a diſtaſte of the Union, (all other hopes being now almoſt over, as to the Union on the ſide of Scotland;) and that the nobility being thereby, as it were, degraded of their characters, would think it too great a hardſhip, and ſo fly off from the treaty in general, or fly to ſome extreme on the other hand, making ſome demand which the Peers of England would not ſubmit to.

Others, it was thought, had this farther view in the propoſal for levelling the Scots nobility that were not ſitting Peers with the Commons, that they deſigned to propoſe the unſitting Lords to be capable of being elected into the Houſe of Commons, and ſitting in the Lower Houſe.

This was received with ſome reſentment, as a great diſhonour to the Peerage of Scotland, by ſome people, and eſpecially without doors; the Engliſh were upbraided with endeavouring to have it ſo, in order to leſſen the character of the nobility of Scotland: but in this they wronged their own judgement, as well as the Engliſh nation, ſince, had ſuch a thing been offered, it had been rejected in England as unequal and injurious to the equality we have been ſo often ſpeaking of, as the ground of the whole treaty: nor could it have been conſented to in England, ſince it had been bringing the Scots nobility into too great an influence of parliamentary affairs, when ſixteen being already judged ſufficient; there might be now ſixty-one Scots Lords in every Parliament, viz. ſixteen in the Houſe of Lords, and forty-five in the Commons; which, when any thing relating, eſpecially to the nobility, or to the privileges of one Houſe againſt the other, might turn the balance to this or that ſide, to the manifeſt injury of the conſtitution, which now conſiſts in the equality of powers and privileges, and the due limits ſet between each kind, to prevent their encroachment upon one another.

But the wiſdom and modeſty of the nobility in Scotland prevented this; and the article had been ſo well conſidered at London, and was ſo warily worded, that there was room for little or no exception on behalf of the Peers; for,

for, 1. As to privileges, the ſixteen Peers, or the Peers of Parliament for the time being, had effectually all the privileges of the Peers of England in the utmoſt extent, and all the privileges they ever after could receive, could not be received but in common with the ſaid ſixteen; nor could any exception be made to it, whether in the caſes of parliamentary privileges, or the perſonal privileges in caſe of trying of Peers, or being tried as criminals.

2. The remainder of the nobility enjoyed privileges every way equal to the Engliſh nobility, excepting only, as it is in the article, the rights of ſitting in the Houſe of Lords, and the privileges depending thereupon.

But the great debates of this day began upon this clauſe, the rights and privileges of the Scots nobility who were not Lords of Parliament for the time being.

And firſt it was moved to be excepted, that the ſaid Lords ſhould not enjoy the privilege of perſonal protection in caſes of debt, as is the privilege of the Peers of England: ſome had alledged they pleaded for the honour of the Scots nobility in this head, that it was below their dignity to be protected by their titles againſt their juſt obligations, and a meanneſs they had all along contemned, to plead the privilege of their Houſe againſt the proceedings of the law; that it was not agreeable to the true intent and meaning of parliamantary privileges, that this privilege ſhould extend to thoſe that did not ſit in Parliament, ſince the privileges of Parliament of this kind were at firſt appointed to provide againſt any impediment to ſitting in Parliament, that the members of either Houſes ſhould on no pretence whatever be hindred from the ſervice of their country in Parliament: and this could not be of any ſignification in thoſe Peers that were not ſitting members of the Houſe of Lords; that for the Scots Peers to claim protection for their perſons againſt their juſt debts, was more than levelling their perſons with the Commons, for it was ſetting them below the Commons, ſince no man would then truſt the nobility in matters of debt without ſome commoner being ſecurity for them, againſt whom they might have remedy at law.

Theſe objections had no little weight, and this privilege of the perſons of the Peers in caſes of debt ſeemed, at firſt view, very grievous to Scotland, and ſome of the Peers themſelves looked upon it as diſhonourable.

But when it was calmly conſidered and anſwered, that the perſons of the Peers in England are accounted ſacred on ſeveral accounts, beſides thoſe of debt; that even the Government cannot proceed againſt a Peer, but in an extraordinary way; that no warrant can be executed in the houſe of a Peer, but by three juſtices of the peace: and that there are ſeveral neceſſary exemptions to the peerage which this privilege preſerves, beſides that of debt; and which, as they are hereditary counſellors of the nation, and have frequently

great truſts committed to them; and both are, and ought to be a great and ready aſſiſtance to the public good, upon ſudden emergencies, which, upon pretence of arreſts and attachments for debt, may be prevented. That as to the juſtice of perſonal protection in caſe of debt, it was anſwered, their eſtates were not protected in ſeveral caſes, only their perſons; and it was as reaſonble to purſue the eſtate as the perſon of the debtor, and eſpecially in Scotland, where the law reaches the effects of the debtor, though on perſonal bonds. That as to the credit and honour of being protected againſt juſt debts, it would be much more for the honour of the Scots nobility that they gave all men notice that they deſpiſed the advantage of their perſonal credit, and ſince they could not ſue a nobleman, they might decline truſting him and welcome; and for thoſe that were truſted, though they could not be ſued, it was yet greater reputation to them, that the principle of honour in them was ſo well known, that men would depend upon their honour, where they could not otherwiſe oblige them to make payment.

Upon theſe and the like conſiderations this motion was rejected, and the Scots nobility, by virtue of that clauſe in the twenty-third article, "And "ſhall enjoy all other privileges of Peers, as fully as the Peers of England "now do, or as they, or any other Peers of Great Britain, may hereafter en-"joy the ſame," are protected in their perſons and eſtates as the Peers of England are, whether they (the Scots Peers) are Peers of Parliament at that time or not.

The next diſpute was a privilege demanded for the Peers of Scotland, that they, not being of the Parliament at that time, might ſit in the Houſe of Lords covered, &c. but not have any right to vote. This was urged many ways, either that they might have a gallery to ſit in as ſpectators, or that they might ſtand behind the Throne, as the eldeſt ſons of the Engliſh Peers may; and either of theſe it was thought might have been obtained. But the main deſign of bringing them in to be preſent at debates, to argue, ſpeak and debate upon the ſeveral matters that ſhould be brought before the Houſe. This was oppoſed upon ſeveral accounts; firſt, As it was thought impracticable, and an evaſion of the Houſe of Peers as a houſe, and what could not be obtained if puſhed at. Secondly, As it was thought an inſignificant thing to have perſons to ſit and argue who had no power to determine. And thirdly, As it would be far from any honour to the nobility of Scotland to be admitted into debates, where they muſt always have the mortification of being diſtinguiſhed, and like mere ſolicitors, whoſe place is without the bar, be allowed to talk, and yet have no ſignification in a queſtion; but if the Houſe divided, be obliged to ſtand together like mutes in an alphabet, who have no ſound in the expreſſion of a ſyllable.

And thus ended the debates of this great point, the privilege of the peerage, and the article received no manner of alteration.

MINUTE LVIII.

Tueſday, January 14, 1707.

Prayers ſaid.

Rolls called.

Then the twenty-fourth article of Union was read, whereupon a memorial was given in for the Lyon King at Arms, in relation to his precedency, which being read, after reaſoning, it was moved, That the rank and precedency of the Lyon King of Arms be left to Her Majeſty, and that next to theſe words in the ſaid article, viz. " And that the quartering the arms," theſe other words, viz. " And the rank and precedency of Lyon King of Arms of the kingdom of " Scotland," be added.

And it being alſo moved, That his rank ſhould be infert in the ſaid article, to be immediately next after, " Garter principal King of Arms in England;" after debate it was put to the vote, " Add the above words," " That the rank " and precedency be left to Her Majeſty, or infert the rank and precedency," and it carried, " Add the words."

Which being accordingly added, there was another clauſe offered to be added to the ſaid twenty-fourth article, in theſe terms, " And the crown, ſcepter and " ſword of ſtate, records of Parliament, and all other records, rolls, and re- " giſters whatſomever, both publick and private, general and particular, and " warrants thereof, continue to be keeped as they are, in that part of the united " kingdom now called Scotland, and that they ſhall ſo remain in all time com- " ing, notwithſtanding of the Union;" which being read, the ſame was agreed to be added, and was accordingly ſubjoyned, and the article as amended read over.

Then the vote was put, " Approve of the twenty-fourth article of Union as " amended or not," and it carried, " Approve."

Thereafter the twenty-fifth article of Union was read, and after reaſoning thereon, the vote was put, " Approve of the twenty-fifth article or not," and it carried, " Approve."

Moved, that a dyet be appointed for conſidering the manner of electing the repreſentatives for Scotland to the Parliament of Great Britain, and agreed that the motion be entire next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSER-

OBSERVATION LVIII.

The debate of the rank and precedency of the heralds, and of the quartering of arms, the ſtandards and colours, was a thing of no great conſequence, nor could it be referred to any body better than to Her Majeſty; and therefore the diſpute of this was not long.

The keeping the honours, as they called them, in Scotland, viz. the crown, ſcepter and ſword, was indeed a material point, at leaſt as it had been made ſo by ſome gentlemen, who had pretended to alarm the common people with apprehenſions, that they were to be carried away to England as tokens of ſurrendering the ſovereignty of Scotland to the Engliſh; but as no ſuch thing was ever thought of in England, the propoſal met with no oppoſition; and ſome people thought, that not only the enſigns of royalty, but the royalty itſelf, ſovereignty and government of Scotland, remain as intire, as the ſame things reſpecting England remain intire, either kingdom voluntarily conſenting to an union of power, an union of government, and of all things needful to preſerve both.

The laſt article reſpecting the abrogation of all laws, which might be ſuppoſed to contravene the treaty, met with no oppoſition at all.

And thus this weighty affair was finiſhed on the ſide of Scotland, contrary, I believe I may ſay, to the expectation of all the world, who were amazed to ſee a thing of that conſequence, and with difficulties which ſeemed in themſelves inſuperable, ſo ſucceſsfully brought to a cloſe; a thing which had been ſo many times attempted in vain; a thing which had ſo often been ſet about, rather in a ſhow than deſign of uniting; and I think I may ſay, a thing that never was heartily ſet about on both ſides before.

It had held the Parliament of Scotland a long, a troubleſome, a dangerous, and I muſt own a very uncomfortable debate, ſtep by ſtep, and article by article, from the third of October to the fourteenth of January, with very little intermiſſion; for never was buſineſs cloſer applied, more ſtrenuouſly puſhed, or more vigorouſly oppoſed.

The work that remained (I mean to the Parliament) was but ſhort, and I ſhall do little more than relate the fact, which will be found in the minutes of Parliament; and I ſhall ſet them down in their order, omitting what relates to private buſineſs as not material here, ſince I can very ill ſpare room for any thing but what relates immediately to the buſineſs, and agrees with the title.

MINUTE LIX.

Wedneſday, January 15, 1707.

Prayers ſaid.

Rolls called.

Draught of an act ratifying and approving the treaty of Union of the two kingdoms of Scotland and England, given in and offered to be read.

Whereupon it was moved, That the Parliament ſhould firſt proceed to the conſtitution of the manner of electing the repreſentatives of Scotland to the Parliament of Great Britain, and either now to determine that matter, or to appoint a dyet for that end.

And after debate the vote was ſtated, " Proceed to the ratification of the " treaty of Union, and act for Security of the Proteſtant religion and Preſby- " terian church government, or to the conſtitution of the manner of electing " the repreſentatives for Scotland to the Parliament of Great Britain."

But before voting it was agreed, that in caſe it ſhall carry to proceed to the ratification, the Parliament will immediately, after paſſing the act of ratification, proceed to the conſtitution of the manner of electing the repreſentatives for Scotland.

Then the vote was put, " Proceed to the ratification or conſtitution," and it carried, " Ratification."

Thereafter the draught of the act, ratifying, approving, and at length narrating the articles of Union as enlarged, explained, and amended, and the act for ſecurity of the Proteſtant and Preſbyterian religion church government, was read.

And after ſome diſcourſe, it was put to the vote, " Mark a firſt reading on " the act or not," and it carried, " Mark a firſt reading;" and accordingly a firſt reading was marked thereon.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LIX.

The articles were now gone through, and finiſhed as before; yet there remained two things to be done in order to compleating the affair, ſo far as referred to Scotland; one was to paſs the act of Security for the Preſbyterian church government in Scotland, which was to be ingroſſed and inſerted in the body of the act of Union, and made a part of it; and then to paſs in Parliament ſome ſubſequent acts, which being previous to the treaty, or depending upon it, ought to be finiſhed in Parliament before the Union, and would be of courſe confirmed by it, by virtue of the eighteenth article, continuing

and confirming all laws and acts then in force, except such only as came within the reach of the twenty-fifth article, viz. such as were contrary to, and inconsistent with the Union.

These were, 1. An act to settle and determine the constitution of the manner of electing the representatives for Scotland in the ensuing Parliament of Great Britain. 2. An act for plantation of kirks, a thing long wanted in Scotland; together with the valuation of teinds or tithes, and about the reversions of kirk lands. 3. For the settling the public debts, disposing and appointing the equivalent; that is, the payment of it according to the true intent of the treaty, adjusting the affair of the African Company, &c. which was now under reference to a Committee.

These things were necessary adjuncts to the treaty; but as the act of Union itself was the foundation on which all these things were depending, and that there was a great deal yet to be done to it, viz. to be ingrossed and passed into an act, and sent to London; the interval of time, after the main affair should be dispatched, was thought the proper season to settle, pass and enact all these things, wherefore they resolved to go first to work with the act, and that no time might be lost, the act had been drawing up, with all the amendments to every article, as they had passed in the House, and was ready to present to the House this day; and, as per the minute, obtained a first reading, all other business being delayed.

MINUTE LX.

Thursday, January 16, 1707.

Prayers said.

Rolls called.

Draught of the act, "Ratifying and approving the treaty of Union of the "two kingdoms of Scotland and England," read a second time.

Then the act "For Security of the Protestant religion and Presbyterian church "government," which is insert in and ratified by the above act, was touched with the royal scepter by Her Majesties High Commissioner in the usual manner.

Representation and petition of the commission of the General Assembly of the church of Scotland given in and read.

And after reasoning upon the act and representation, the vote was stated, "Approve of the act or not."

And before voting, it was agreed, that the members votes be marked, and that the list of their names as they vote be printed and recorded, and the Lord High Chancellor was allowed to have his name marked, printed and recorded as an approver.

Likeas

Likeas a proteſt was given in for the Duke of Douglaſs, and read in theſe terms: "We underſubſcribers, tutors, teſtamentars to his Grace the Duke of "Douglaſs, whereof three is a quorum, in name and behalf of the ſaid Duke; "foraſmuch as his Grace the Duke of Douglaſs, and his heirs, has, by their "inveſtitures and honours of the eſtate of Douglaſs, (in conſideration of the "great and faithful ſervices done and performed to this crown and kingdom by "his anceſtors) provided to them the honour of leading the van of the arms "of Scotland in the day of battle, the carrying of the crown of Scotland in "proceſſions, and giving the firſt vote in all parliaments, councils, or conven- "tions in Scotland; and ſicklike, by the twentieth article of Union, all here- "table offices are reſerved to the owners as rights of property, in the ſame "manner as they are now enjoyned by the laws of Scotland, notwithſtanding of "this treaty; whereby his Grace's foreſaid offices and privileges, by parity of "reaſon and juſtice, ought to be preſerved. Yet, ſeeing the intire union of "the two kingdoms will be attended with an union of their arms, crowns and "councils, whereby his Grace's offices and privileges may ſeem to be of more "difficult explication, his Grace's tutors and guardians, in his pupillarity, do "now, before the treaty be ratified in this Parliament, judge it indiſpenſibly "their duty, for his Grace's intereſt, in his name and theirs, underſubſcribers, as "tutors to him, with all humility, to proteſt, that the ſaid treaty may not, in any "ſort, prejudge the honours and privileges belonging to his Grace and ſucceſ- "ſors, which have been the glorious rewards and marks of honour to the il- "luſtrious families of Douglaſs and Angus for their loyalty, great and faithful "ſervices to the crown and kingdom of Scotland; and that this their proteſt "may be received and marked in the minutes and records of Parliament."

As alſo, another proteſt was given in by the Duke of Hamilton, in theſe terms: "Foraſmuch as there is a proteſtation made in behalf of the Duke of "Douglaſs, in relation to his pretenſions of having the firſt ſeat and vote in "Parliament; which proteſtation being altogether groundleſs, therefore I "James Duke of Hamilton do proteſt in the contrary, in regard that none of "the ſaid Duke of Douglaſs his predeceſſors has, or enjoyed any ſuch privi- "lege ſince there were Dukes or Marquiſſes created in Scotland, and my pre- "deceſſors were dignified with patents of Marquiſs and Duke ſucceſſively long "before he or his predeceſſors had the ſame. Secondly, William Earl of "Angus, the ſaid Duke his predeceſſor, did, upon the fourth day of June "one thouſand ſix hundred and thirty-three years, reſign all right and claim "that he or his predeceſſors or ſucceſſors had, or ſhould have, to that privi- "lege of firſt ſitting and voting in Parliament, in His Majeſties hands; which "reſignation is regiſtrate in the books of Parliament the twentieth day of the "ſaid month of June one thouſand ſix hundred and thirty-three years. Thirdly,

" I and my predeceſſors have been in continual poſſeſſion of having the firſt " ſeat, and of firſt voting in Parliament, and have been firſt called in the rolls " of Parliament paſt memory of man: and upon this proteſtation I take inſtru- " ments, and deſire the ſame to be inſert in the records of Parliament."

And the ſeveral proteſtors, or ingivers, took inſtruments upon their reſpective proteſts.

Then the vote was put, " Approve of the act, ratifying and approving the " treaty of Union of the two kingdoms of Scotland and England, yea or not," and it carried, " Approve."

And the act was thereafter touched with the royal ſcepter by Her Majeſties High Commiſſioner in the uſual manner.

The Committee appointed to meet to-morrow at nine of the clock.

Adjourned till Monday next at ten o'clock.

OBSERVATION LX.

The act for the Union admitted now no debate, the articles having been voted and approved one by one, as is ſeen at large; ſo there was nothing to do but to put the queſtion upon, and to make it a ſecond reading, according to the cuſtom of the Parliament of Scotland.

The church act was to be inſerted in the body of the act of Union as a part of the treaty, and yet it was to be paſſed into an act by itſelf, and touched by the ſcepter in form as an act of Parliament, before the act of Union was paſſed, and it was accordingly done ſo, as per the minute; ſo that the act for the eſtabliſhment of the church of Scotland received a double ſanction in this Parliament; it was not enacted ſingly by the Union as an effect of the treaty, but was eſtabliſhed by a law before the Union, and again repeated in the body of the treaty of Union, as a ratification only, or recognition of what before was an eſtabliſhed law of the kingdom.

Of the firſt repreſentation and petition of the commiſſion of the General aſſembly, I have ſpoken already at large: there was ſome little debate about it now, but it made no alteration in the act of the church, but it paſſed as it had been before ſettled.

However, that it may be ſeen what addition was made to the firſt overture, I have added both the overture as firſt given in, and the act as it was paſſed in Parliament; and what more was required will be ſeen in the repreſentation of the commiſſion: all which are added in the Appendix.

It is to be obſerved here, that there was a ſecond repreſentation and petition preſented to the Parliament this day from the commiſſion of the General Aſſembly, upon the following occaſion.

The

The church of Scotland having been effectually ſecured by an act of parliament, called The Act of Security, &c. and which was made a part of the act of Union, as appears in its place, there was a clauſe added at the end of the act of Union, in theſe words: "Declaring nevertheleſs, that the Parliament "of England may provide for the ſecurity of the church of England as they "ſhall think expedient, to take place within the bounds of the ſaid kingdom "of England, and not derogating from the ſecurity above provided for eſta-"bliſhing the church of Scotland within the bounds of this kingdom, "which ſhall not ſuſpend or derogate from the force and effect of this preſent "ratification, but ſhall be underſtood as here included, without any neceſſity "of any new ratification in the Parliament of Scotland."

This was called an eſtabliſhing the church of England with the hierarchy of epiſcopacy and ceremonies of the church of England, by the Preſbyterian church of Scotland; I have, for the more direct underſtanding this part, given the ſaid repreſentation and petition in the Appendix, N°. K x. with the reaſons at that time given for it, to which I refer.

I could not ſuffer the two proteſtations of the families of Douglaſs and Hamilton to be omitted in the minutes; though with reſpect to the length of this work, I have induſtriouſly ſhuned private affairs; but the honour of leading the van of the Scots armies, which theſe families contended for, might give both the kingdoms a remembrance of what the Union has delivered them from, ſince theſe armies were only ſuch as within the bowels of this poor iſland fought with, and ſhewed their courage in butchering and deſtroying one another; a thing, which, it is hoped, is now effectually put an end to.

The affair of war is now carried abroad, againſt the ancient profeſſed enemy of all Proteſtant powers, where the Engliſh and Scots valour need no more contend, but unite together to overthrow their foreign adverſaries; a conteſt, which if they had been united in, as they are now, in former ages, perhaps Europe had paid honours enow to us before now, as to the greateſt nation in the world.

This is the famous day to Scotland, in which ſhe ſet her ſignal to the Union of Great Britain: we ſhall now make a ſhort digreſſion, to inquire how it went on in the Parliament of England, and what reception it met with there, which, becauſe it is but very ſhort, I ſhall bring in here, and adjourning the minutes a little, ſhall return to them again in their courſe.

Of

Of the Act of Ratification, after it was paſt in the Parliament of Scotland, *till the Exemplification of it was returned from the Parliament of* England.

THE Parliament of England being to be the finiſhers of this great work, and the Parliament of Scotland not meeting till it was late enough in the year, viz. the ſecond of October, the Engliſh Parliament were, by ſmall adjournments, put off as long as it was poſſible the public affairs of England could permit, and longer than any Parliament ſince the Revolution, had been delayed, not having met till the third of December, when the public buſineſs admitting no more delay, they came together.

It is worth obſervation, that this was a ſtrange concurring juncture, a critical moment, as it may be called, in which Providence ſeemed to bring every thing together that could propagate the great affair of the uniting the kingdoms; and which it may not be improper to notice in this place, becauſe at the opening of this ſeſſion of the Engliſh Parliament, the Queen herſelf took notice of it.

The campaign abroad had ended in the moſt glorious manner for the Confederates, that could be deſired, and above all manner of expectation; the French had received three blows that very ſummer, enough to overthrow the greateſt empire in the world: One under the conduct of the Earl of Peterborow, with the Engliſh forces and fleet in the Mediterranean, relieving the city of Barcelona, and cauſing the French, with the loſs of all their cannon and ammunition to raiſe the ſiege: one under the command of the Duke of Marlborough, being the great victory at Ramillies in Flanders: and the laſt under the command of Prince Eugene of Savoy, at Turin. In all which actions, it was calculated, that the French loſt ſlain in action, taken priſoners, deſerted, and dead of their wounds, above 100,000 men, with 300 pieces of cannon and mortars, and other ſpoil without and indeed paſt all manner of account.

There are two reaſons why I take this opportunity here, and both are introductory to the preſent affair.

1. The people of England by theſe great ſucceſſes, made glad and eaſy in hopes of a ſpeedy peace, were prepared to grant almoſt any thing which the Queen diſcovering a paſſionate deſire, to ſee her two jarring, long-contending kingdoms united, the Parliament came together with a temper diſpoſed to yield (as far as reaſon could ſuggeſt) more, than perhaps at any other juncture could have been expected.

2. The enemies of the Union, whether abroad or at home, received moſt ſenſible diſcouragement in their deſigns againſt it; and firſt abroad:

There could be but two kinds of enemies abroad to the Union, and theſe were the French or the Dutch.

As to the Dutch they were now in ſo cloſs a confederacy with England, and their whole concern as to the war, was ſo involved together, that there was no room for any public differences about it. Nor indeed could the Dutch have put in any rational objection againſt it; to either ſide, if the intereſt of Holland claſhed with the Union upon any ſort, it was only with reſpect to trade; and though they might perhaps on that ſcore have ſome reaſon to be jealous of it, as what might ſome time or other claſh with them in the fiſhing and Eaſtern trades, yet they could have no pretence to concern themſelves publicly and nationally againſt it: and as for private negociations to prevent it, though as I have been informed, they were once or twice conſidering of it, yet they never thought fit to meddle; whether it was that they ſaw no proſpect of ſucceeding in it, or that they were not willing to do any thing at that time that ſhould give an uneaſineſs to England or not, I ſhall not pretend to determine.

2. The French, theſe had no doubt ſtomach enough to it, and had tools enow to work with, and I muſt own, had they but made the leaſt attempt, they had effectually broke up the treaty at that time: but God had tied their hands and cut them out other work; they were beſet and embarraſſed on every hand, and had no leiſure to look this way, nor if they had had leiſure, had they men or money then to ſpare, being employed with all their power and diligence, to recruit their troops, and reſtore their own affairs.

And I cannot but record this as a ſingular hand of heaven in the affair of the Union: for though, when the next year the French did make an attempt upon Scotland, when their affairs being better after their ſucceſs in Spain, they thought themſelves in a condition for it, they found it too late, and that the oppoſers of the Union were ſettled and would not appear for them, yet I muſt ſay, had they made that attempt at the time of this treaty, whatever they might have done in the end towards opening the eyes of the people, and reſtoring them to their ſenſes, they had certainly put all the nation into the utmoſt confuſion for the time, and effectually have broken up the treaty.

The Parliament of England was now met, December 3, 1707, and the Queen opened the ſeſſion with the following ſpeech, which I inſert here, as it refers to the treaty of Union, and alſo as it hints at the ſucceſſes I mentioned above.

The Queen's *Speech to the Parliament of* England,

On *Tueſday* the third of *December*, 1706.

My Lords and Gentlemen,

" I hope we are all met together at this time, with hearts truly thankful to Almighty God, for the glorious ſucceſſes with which he has bleſſed our arms and thoſe of our Allies through the whole courſe of this year, and with ſerious and ſteady reſolutions to proſecute the advantages we have gained, till we reap the deſired fruit of them, in an honourable and durable peace.

" The goodneſs of God has brought this happy proſpect ſo much nearer to us, that if we be not wanting to ourſelves, we may, upon good grounds, hope to ſee ſuch a balance of power eſtabliſht in Europe, that it ſhall no longer be at the pleaſure of one prince to diſturb the repoſe, and endanger the liberties of this part of the world.

" A juſt conſideration of the preſent poſture of affairs, of the circumſtances of our enemies, and the good diſpoſition of our Allies, muſt needs excite an uncommon zeal, and animate us to exert our utmoſt endeavours at this critical conjuncture.

Gentlemen of the Houſe of Commons,

" As I am fully perſwaded you are all of this mind, ſo I muſt earneſtly deſire you to grant me the ſupplies ſufficient for carrying on the war next year, in ſo effectual a manner, that we may be able to improve every where the advantages of this ſucceſsful campaign: and I aſſure you, I ſhall make it my buſineſs to ſee all you give apply'd to thoſe ends with the greateſt care and management.

My Lords and Gentlemen,

" In Purſuance of the powers veſted in me by act of Parliament both in England and Scotland, I have appointed Commiſſioners to treat of an Union between the two kingdoms; and though this be a work of ſuch a nature as could not but be attended with great difficulties, yet ſuch has been the application of the Commiſſioners, that they have concluded a treaty, which is at this time before the Parliament of Scotland; and I hope the mutual advantages of an entire Union of the two kingdoms will be found ſo apparent, that it will not be long before I ſhall have an opportunity of acquainting you with the ſucceſs which it has met with there.

" Your meeting at this time being later than uſual, I cannot conclude, without earneſtly recommending to you to give as much diſpatch to the public affairs, as the nature of them will admit; it being of the greateſt conſequence that both our friends and our enemies ſhould be fully convinced of your firmneſs, and the vigour of your proceedings.

I ſhall not meddle here with any of the proceedings of the Parliament of England in their own affairs, they having no relation to the caſe in hand; only make this ſhort remark; that, notwithſtanding the lateneſs of their coming together, the occaſion of which was known to be to attend the debates of the Parliament of Scotland, they fell ſo heartily about their buſineſs, and went on ſo ſmoothly in every thing, that they got the land-tax bill paſt rather ſooner in it than it uſed to be in any former Parliaments; and before Chriſtmas, had not only the land tax but ſeveral other of their public funds ſettled, and in an unuſual forwardneſs, which is a confirmation of the extraordinary diſpoſition, which, as I have noted, appeared in England at this time, and of which we ſhall ſee farther inſtances preſently.

It was the ſixteenth day of January, that the ratification of the Union paſſed in Scotland; on the eighteenth the Duke of Queeſberry diſpatched it away by an expreſs. There were ſeveral gentlemen who contended for the honour of carrying it up to the Queen, but to avoid giving any offence, it was ſent by an ordinary courier or expreſs.

As ſoon as it came to the Queen, Her Majeſty cauſed it to be laid before both Houſes, that though it was firſt to paſs one Houſe, and then the other, yet the particular houſes might be upon the ſeveral articles together.

Great was the expectation in both kingdoms from theſe debates of the Engliſh Parliament: and in Scotland, the fears on one hand, and the hopes on the other, are not to be expreſſed, but the Houſe of Commons deceived both ſides.

On the twenty-ſecond of January, it was read in the Houſe of Commons; and, as the beſt way to go through the whole, they ordered every article to be read and voted upon ſingly in a committee of the whole Houſe.

It may, perhaps, ſurprize poſterity, when the debates, diſputes, heats, and long ſpeeches, which theſe articles occaſioned in Scotland come to be read, and they ſhall come to underſtand that, in the Houſe of Commons in England, every article paſſed one by one after the ſedateſt reading, calmeſt conſidering, and leiſurely proceeding, without any oppoſition, amendment, or alteration, no not in the leaſt.

There was ſome ſmall oppoſition againſt it in general in the Houſe of Lords, but no amendment offered to any particular article, nor any thing conſiderable objected: what was objected ſeems generally contained in ſome proteſts, and reaſons given in by the perſons proteſting againſt it, which were but few, and not much noticed.

At the ſame time that the articles were reading in the Houſe of Commons, an act was alſo prepared by the Biſhops, to whom that affair was referred, for ſecurity of the church of England, to be paſſed in the Parliament, and then ratified

ratified, by being inſerted in the body of the act of Union, as the act for the ſecurity of the church of Scotland had been done before.

This had been ſo far provided for by a blank left in the treaty of ratification, to which, ſo far as it concerned the ſecurity of the church of England only, the Parliament of Scotland declared themſelves to aſſent, as if it was expreſſed; and this was thought but juſt, the Parliament of Scotland having had the drawing up and wording of their own Act of Security themſelves, though ſome people made loud objections againſt this, as a plain eſtabliſhing of Epiſcopacy in England by the very Parliament of Scotland.

It was indeed leaving the thing as ſelf-exiſtent as it was poſſible: it was abſolutely neceſſary that the treaty of Union ſhould be ratified by either kingdom; but as to the acts ſeverally eſtabliſhing the reſpective churches, they were the diſtinct act and deed of each kingdom: and if the Scots may be ſaid to have conſented to eſtabliſh Epiſcopacy, it is every whit as plain, that the Engliſh have eſtabliſhed Preſbytery in Scotland; with this farther diſtinction, that what has been done in Scotland, is an act of the ſtate only; in England, both church and ſtate have given their ſanction to the eſtabliſhment of the Preſbyterian church of Scotland, the Biſhops being the repreſentatives of the church of England in this caſe. At the ſame time, I think the matter clear, that with reſpect to Union, their eſtabliſhment is reciprocally ſecure, and either kingdoms cannot now put their hand to the weakening or injuring the eſtabliſhment of the other, without ſetting, at the ſame time, its hand to the deſtruction of its own conſtitution.

This act for the ſecurity of the church of England, ſeems to be the exact copy of the act for the ſecurity of the church of Scotland, with the neceſſary alterations only of names, &c. a teſtimony indeed unexpected to the ſufficiency of the Act of Security for Scotland; in that, the divines of the church of England being left to their full liberty to make their conſtitution as ſafe as it was poſſible to be, contented themſelves with the very ſame model which the Scots had paſſed for themſelves, as the beſt and completeſt ſecurity they could deviſe, which they that cavilled ſo much at the ſecurity of the act in Scotland as inſufficient, might have received great ſatisfaction from, if they had thought fit.

The copy of this act in England is added in the Appendix, N°. H. xx.

I need not count days, nor enter into the minutes of this affair in the Engliſh Parliament; it may ſuffice to tell the reader, that the whole act paſſed both Houſes by the fourth of March, and the Queen paſſed it on the fixth. It was deſigned to have delayed the paſſing it to the eighth, which was the day of Her Majeſty's coming to the crown, that ſo the day might have been doubly

remem-

remembered, for the commencement of Her Majeſty's reign over the three kingdoms firſt, and then over the united kingdom of Britain: but Her Majeſty, not willing to delay a thing which the whole iſland waited ſo much for, and had their eyes upon, went to the Houſe of Lords on the ſixth of March, and having paſſed the bill, made the following ſpeech, with which I think I may cloſe this ſhort period of the Union, I mean its paſſing in England.

There was ſome oppoſition made to the articles in the Houſe of Lords in England; and ſome Lords proteſted againſt the ſeveral articles, and ſome againſt all of them. But the Houſe of Lords in England having expreſſly forbid the printing any of the proceedings of their Houſe, I cannot enter upon the hiſtorical part of it; I hope ſomething like an abridgement of ſome matters, &c. may be found in the Appendix, N°. O. xx.

The Queen's *Speech to the* Engliſh *Parliament, at the paſſing the* Union.

My Lords and Gentlemen,

" It is with the greateſt ſatisfaction that I have given my aſſent to a bill, for the uniting England and Scotland into one kingdom.

" I conſider this Union as a matter of the greateſt importance to the wealth, ſtrength, and ſafety of the whole iſland; and at the ſame time, as a work of ſo much difficulty and nicety in its own nature, that, till now, all attempts which have been made towards it, in the courſe of above an hundred years, have proved ineffectual: and therefore I make no doubt but it will be remembered and ſpoke of hereafter to the honour of thoſe who have been inſtrumental in bringing it to ſuch a happy concluſion.

" I deſire and expect from all my ſubjects of both nations, that from henceforth, they act with all poſſible reſpect and kindneſs to one another; that ſo it may appear to all the world they have hearts diſpoſed to become one people.

" This will be a great pleaſure to me, and will make us all quickly ſenſible of the good effects of this Union.

" And I cannot but look upon it as a particular happineſs, that, in my reign, ſo full a proviſion is made for the peace and quiet of my people, and for the ſecurity of our religion, by ſo firm an eſtabliſhment of the Proteſtant ſucceſſion throughout Great Britain.

Gentlemen of the Houſe of Commons,

" I have this occaſion to remind you, of making effectual proviſion for the payment of the equivalent to Scotland within the time appointed by this act;

and I am perſuaded you'll ſhow as much readineſs in this particular as you have done in all the other parts of this great work.

My Lords and Gentlemen,

"The ſeaſon of the year being now pretty far advanced, I hope you will continue the ſame zeal which has appeared throughout this ſeſſion, in diſpatching what yet remains unfiniſhed of the public buſineſs before you."

It took up ſome time in England to ingroſs and inroll, and make copies of this great tranſaction, the original of which was to be lodged in the Tower of London, and an exemplification under the Great Seal of England, to be ſent down to Scotland, to be again read in Parliament there, and then laid up in the regiſters and rolls of Parliament *in perpetuam rei memoriam.*

I muſt now return to the minutes of the Parliament, where ſeveral things ſuſequent to the treaty, but really abſolutely neceſſary to its exiſtence, was to be finiſhed, and which took them up the time between the ſending up the ratification, and receiving down the exemplification as above.

The Minutes of the Parliament of Scotland *continued.*

MINUTE LXI.

Monday, January 20, 1707.

Prayers ſaid.

Rolls called.

Upon reading of the minutes, it was moved to inſert therein the petitory part of the repreſentation and petition of the Commiſſion of the General Aſſembly of the church of Scotland, mentioned in the ſaid minutes. And after debate thereon, the vote was ſtated, "Inſert the petitory part of the ſaid repreſentation and petition, yea or not.

And after farther debate, the Duke of Hamilton made a motion for a ſtate of a vote, wherein the petitory part of the ſaid petition was repeated; but that ſtate of the vote being reclaimed againſt, as yielding the queſtion, the Duke of Hamilton proteſted, "That he having made a motion, and being ſeconded, "it was againſt the rule of Parliament to refuſe a vote, and to inſert his mo-"tion in the minutes.

Then the vote was put, "Inſert the petitory part of the above repreſenta-"tion and petition in the minutes, yea or not," and it carried, "Not.

There-

Thereafter it was moved, " That conform to the minutes of the fifteenth " of January inſtant, the Parliament proceed to conſider the manner of electing " the repreſentatives for Scotland to the Parliament of Great Britain." Whereupon a reſolve was given in, and read in theſe terms: " Reſolved, that the " ſixteen Peers, and fourty-five commiſſioners for ſhires and burrows, who are " to be the members to the firſt Parliament of Great Britain, for and on the " part of Scotland, be choſen out of this preſent Parliament: and that the " members ſo choſen, be the members of the firſt Parliament of Great Britain, " if Her Majeſty ſhall declare, on or before the firſt day of May next, that the " Lords and Commons of the preſent Parliament of England, be the members " of the firſt Parliament of Great Britain, for and on the part of England."

And after reaſoning thereon, the farther debate was adjourned till next *ſederunt* of Parliament.

Adjourned till to-morrow, at ten o'clock.

OBSERVATION LXI.

It was not very eaſy to know the reaſon why they deſired the petitory part, as they called it, of this paper to be inſerted in the minutes; ſome were of the opinion, it was to ſhow the nation, that the oppoſers of the Union were friends to the church, and that they would have it appear they ſtood up for the church of Scotland; others thought it was with deſign to expoſe the Preſbyterians to the church of England, as utter enemies to their conſtitution; nor could I ever hear any other reaſons given for it. However, the Duke, after having with ſome difficulty obtained a vote upon it, loſt it; and ſo the repreſentation and petition was left juſt where they found it, viz. as a teſtimony of the church againſt ſome things which were thought to claſh, both with their conſtitution and a little with their principles; and in this it was thought it had its uſes, though it was not effectually anſwered in Parliament.

The affair of the electing their members for the firſt Parliament of Britain came next upon the ſtage; and the ground of the motion mentioned in the minutes, was founded upon a ſuppoſition mentioned in the twelfth article of the treaty, viz. That Her Majeſty on or before the firſt day of May, on which day the Union was to take place, ſhould declare under the Great Seal of England, that it is expedient that the Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhould be the members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of Great Britain. Now it was thought very equal, that if the then preſent ſitting Parliament of England ſhould be named for the firſt Parliament of Great Britain, in conjunction with the ſeveral members that ſhould be named from Scotland, that the members of both Houſes which were to

repreſent Scotland, ſhould be likewiſe named out of the current or then preſent ſitting Parliament of Scotland.

It was pretty eaſy to conjecture, that Her Majeſty would appoint theſe members of the Engliſh Parliament, to conſtitute the firſt Britiſh Parliament, as it after happened, and therefore this was moved now, in order to ſettle it in the act of parliament now to be made, in which it was abſolutely neceſſary to be determined, this matter being to be ſigned, and paſſed into a law, before the Union was to take place. What vigorous oppoſition it met with, will be ſeen in the next obſervation.

MINUTE LXII.

Tueſday, January 21, 1707.

Prayers ſaid.

Rolls called.

The Earl of Stair ſwore the Oath of Alledgeance, ſubſcribed the ſame with the Aſſurance, and took the Oath of Parliament.

Then the reſolve inſert in the former days minutes, anent chooſing the repreſentatives for Scotland to the firſt Parliament of Great Britain, was again read.

And after reaſoning thereon, an overture was given in for eſtabliſhing a certain way for electing the repreſentatives of Scotland to the Parliament of Great Britain in all time coming, in the terms of the treaty of Union, which was read; and thereafter another overture was offered for an act for chooſing the ſixty-one members to repreſent Scotland in the Parliament of Great Britain: as alſo, a reſolve was given in and read, " That previous to all other buſineſs, the Par-
" liament proceed to determine the manner of electing the repreſentatives for
" Scotland to the Parliament of Great Britain, and to determine the number
" and quota of barons and borrows."

And after the debate, the vote was ſtated, " Approve the reſolve inſert in the
" former days minutes, yea or not."

But before voting, the Duke of Hamilton gave in a proteſtation in theſe terms: " I James Duke of Hamilton do hereby proteſt for myſelf, and in the
" name of all thoſe who ſhall adhere to this my proteſtation, againſt the elect-
" ing by this preſent Parliament the ſixteen peers and fourty-five barons and bo-
" roughs, who are to repreſent Scotland in the firſt Parliament of Great Britain,
" as inconſiſtent with the whole tenor of the twenty ſecond article of the treaty
" of Union, and contrair to the expreſs words thereof, whereby it is provided,
" that after the time and place of the meeting of the ſaid Parliament is ap-
" pointed by Her Majeſties proclamation, which time ſhall not be leſs than
" fifty days after the proclamation, a write ſhall be immediately iſſued under
" the great ſeal of Great Britain, directed to the Privy Council of Scotland, for
" ſummoning the ſixteen peers, and for electing fourty-five members, by whom

" Scotland is to be repreſented in the Parliament of Great Britain; and farther, " as utterly ſubverſive of the right of election competent to the barons and " burrows of this kingdom, and deſires this my proteſtation may be inſert in " the minutes and records of Parliament, and thereupon takes inſtruments."

And Mr. William Cochran, of Kilmaronock, gave in a proteſtation in theſe terms: " I Mr. William Cochran, of Kilmaronock, do proteſt in my own " name, and in name of all thoſe that ſhall adhere to this my proteſtation, that " the electing of members to repreſent this part of the united kingdom in the " Parliament of Great Britain, out of this preſent Parliament, by the members " of this Houſe, is contrary to, and inconſiſtent with the birth-rights and pri- " vileges of the barons and burrows of Scotland; that it is contrary to the " principles of common law, and divers acts of Parliament, and directly op- " poſite and contradictory to the expreſs words and meaning of two ſeveral para- " graphs of the twenty two article of the treaty of Union betwixt Scotland and " England, ſo lately ratified in this Houſe; and I deſire this my proteſtation " may be inſert in the minutes, and recorded in the books of Parliament, upon " which I take inſtruments."

And after reading of the above proteſtations, each of the ſaid proteſters took inſtruments upon their reſpective proteſtations, and adhered to the proteſtation given in by the other; and it was agreed that the members votes be marked, and that the liſt of their names, as they vote, be printed and recorded, and that at calling the rolls, the adherers to the above proteſts be alſo marked.

Then the vote was put, " Approve the reſolve inſert in the former days mi- " nutes, or not," and it carried, " Approve." And the Earl of Errol, the Earl Mariſchal, the Earl of Buchan, the Earl of Eglingtoun, and the Earl of Galloway; the Viſcount of Kilſyth; the Lord Semple, the Lord Balmerino, the Lord Blantyre, the Lord Bargany, the Lord Beilhaven, and the Lord Colvil; Sir John Lauder, of Fountainhal; Alexander Fletcher, of Saltoun; Sir Robert Sinclair, of Longformacus; John Briſbane, younger, of Biſhoptoun; Sir Humphry Colquhoun, of Luſs; John Grahame, of Killearn; Robert Rollo, of Powhouſe; Thomas Sharp, of Houſton; Sir Thomas Burnet, of Leys; Sir David Ramſay, of Balmain; John Forbes, of Colloden; Mr. Thomas Hope, of Rankeilor; David Grahame, younger, of Fintry; Alexander Mackye, of Palgown; James Sinclair, of Stempſter; Mr. James Dumbar, younger, of Hemprigs; Sir Henry Innes, younger, of that ilk; Mr. George Mackenzie, of Inchcoulter; Alexander Edgar, James Scot, Francis Molliſon, Robert Scot, John Hutcheſon, Archibald Shiels, Mr. John Lyon, George Brodie, and Mr. John Carruthers, adhered to both the above two proteſtations.

Thereafter, an overture given in, and read, for appointing the manner of electing the peers of Scotland to the Parliament of Great Britain, to be by di-

viding

viding the peerage into four ſeveral claſſes, out of which they are to be choſen, with ſome regard to the ſeveral ranks of peers, in manner mentioned in the ſaid overture.

And after reaſoning thereon, the farther debate was adjourned till next *ſederunt* of Parliament.

Adjourned till to-morrow, at ten o'clock.

OBSERVATION LXII.

The reaſon of the Earl of Stair's taking the oaths now, and his place in Parliament, was very unhappy at this time; his father, the Earl of Stair, juſtly reputed the greateſt man of counſel in the kingdom of Scotland, died ſuddenly the eighth of this month; he had been an eminent inſtrument in carrying on the Union, and had, the very day of his death, ſpoken very earneſtly in the Houſe, upon ſome particular caſes relating to the Union, he went out of the Houſe not very well, yet went home, and wrote ſeveral letters that very night to England, and in the morning died in his bed, without being able to ſpeak ſo much as to his lady, who was with him, to the general grief of the whole iſland, being univerſally lamented.

The debate was now renewed about chuſing the repreſentatives for the firſt Parliament, the principal objection was againſt chooſing them out of the current Parliament; as to the allegations of its being againſt law and conſtitution, and againſt the twenty-ſecond article of the treaty juſt then ratified, they all centered in this, that it was to be paſſed and approved by Parliament; and that Parliament having yet the whole legiſlature in their hands, had power to repeal any law, or ſtatute then in being, and conſequently did ſo far repeal any clauſe in any act of Parliament formerly made; as to its being againſt the treaty now ratified, that was rectified thus, That whereas the act of ratification of the treaty of Union in the Parliament of Scotland, in which ſeveral acts ſince made and to be made in the Parliament of Scotland, were yet to be inſerted, lay now before the Parliament of England; whatever method the Parliament of Scotland thought fit to take, for the nomination of the members of Parliament, for the firſt Parliament of Great Britain, ſhould, and muſt of courſe alſo be inſerted, and ſo be and become an eſſential part or branch of the Union; and this vote having paſſed as per the minute, is inſerted in the ſaid act for ſettling the election of the members, and again recited in the act of Union, as per the exemplification, appears in theſe words: "in that caſe only, doth hereby ſtatute and ordain, That the ſixteen peers "and fourty-five commiſſioners for ſhires and burghs, who ſhall be choſen "by the peers, barons, and burghs reſpectively in this preſent ſeſſion of Par- "liament, and out of the members thereof, in the ſame manner as committees

" of Parliament are uſually now choſen, ſhall be the members of the reſpective " Houſes of the ſaid firſt Parliament of Great Britain, for and on the part of " Scotland; which nomination and election being certifyed by a write under " the Lord Clerk Regiſter's hand, the perſons ſo nominated and elected ſhall " have right to ſit and vote in the Houſe of Lords, and in the Houſe of " Commons of the ſaid firſt Parliament of Great Britain; as by the ſaid act " paſſed in Scotland, for ſettling the manner of electing the ſixteen peers " and fourty-five members to repreſent Scotland in the Parliament of Great " Britain may appear: Be it therefore farther enacted and declared by the " authority aforeſaid, that the ſaid laſt mentioned act paſſed in Scotland, for " ſettling the manner of electing the ſixteen peers and fourty-five members to " repreſent Scotland in the Parliament of Great Britain, as aforeſaid, ſhall " be, and the ſame is hereby declared to be, as valid, as if the ſame had " been part of, and ingroſſed in the ſaid articles of Union, ratified and ap- " proved by the ſaid act of Parliament of Scotland, and by this act as afore- " ſaid, and carried it for the new model." The two proteſtations againſt it made a great noiſe, and were printed and carried all over the kingdom, beſides their being printed in the minutes of Parliament. Some ſaid, the chief reaſon why they inſiſted on this ſo much was, that the party who oppoſed the Union foreſaw, that, as they had been outvoted and overpowered, as they called it, in every queſtion relating to the Union, ſo they would be in this; and that, by conſequence, few or none of them would be named to the firſt Britiſh Parliament, which was really true in the conſequence.

The ſeveral overtures relating to the form of future elections will be ſpoken to in their places.

MINUTE LXIII.

Wedneſday, January 22, 1707.

Prayers ſaid.

Rolls called.

Thereafter the three ſeveral overtures and reſolve mentioned in the former days minutes, relating to the way of electing the repreſentatives for Scotland, to the Parliament of Great Britain, was again read.

And after reaſoning thereon, the vote was put, " Whether the ſixteen peers, " who are to be repreſentatives for Scotland in the ſaid Parliament, ſhall be " ſent by rotation, or by election," and it carried, " By election."

Then it was moved, That it be conſidered what way the election ſhall be, whether by balloting, or by an open election, and after debate thereon, the vote was put, " Whether it ſhall be by open election, or by balloting," and it carried, " By open election."

Thereafter moved to proceed to conſider what proportions the barons and boroughs ſhall have of the fourty-five members, who are to ſit in the Houſe of Commons of Great Britain, and after reaſoning thereon, the farther debate was adjourned till next *ſederunt* of Parliament.

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Friday next at ten o'clock.

MINUTE LXIV.

Friday, January 24, 1707.

Prayers ſaid.

Rolls called.

Then the debate mentioned in the former days minutes was reſumed, anent what proportions the barons and borrows ſhall have of the fourty-five members, that are to ſit in the Houſe of Commons of Great Britain.

And thereupon a clauſe was offered to be inſert in the act, regulating the manner of electing the repreſentatives for Scotland, in theſe terms, " And Her " Majeſty, with advice and conſent foreſaid, ſtatutes and ordains, That thirty " ſhall be the number of the barons, and fifteen the number of the boroughs, " to repreſent this part of the united kingdom in the Houſe of Commons " of Great Britain; and that no peer, nor the eldeſt ſon of any peer, can be " choſen to repreſent either ſhire or burgh of this part of the united king- " dom in the ſaid Houſe of Commons."

And after debate upon the firſt part of the ſaid clauſe, the vote was ſtated, " If the number ſhall be thirty for the barons, and fifteen for the boroughs, " Yea or not."

But before voting, the Earl of Cromerty gave in a proteſtation, in the terms following, viz. " I George Earl of Cromerty do proteſt, that nothing that ſhall " be enacted, as to the ſhire of Cromerty their being adjoyned to any other " ſhire, as to the method or manner of electing of Commiſſioners to the Par- " liament of Great Britain, ſhall infer any derogation to the privileges of that " ſhire, or to my right as heretable ſheriff thereof," and took inſtruments thereupon.

Thereafter the vote was put, " If the number ſhall be thirty for the barons, " and fifteen for the boroughs, yea, or not;" and it carried, " Yea."

Adjourned till Monday next at ten o'clock.

MINUTE

MINUTE LXV.

Monday, January 27, 1707.

Prayers ſaid.

Rolls called.

Thēn the ſecond part of the overture mentioned in the former days minutes was again read in theſe terms, " And that no peer, nor the eldeſt ſon of any " peer, can be choſen to repreſent either ſhire or burgh of this part of the " united kingdom in the ſaid Houſe of Commons."

And after debate thereon, another clauſe was offered in theſe terms, " De- " claring always, That none ſhall elect, nor be elected, to repreſent a ſhire " or burgh in the Parliament of Great Britain from this part of the united " kingdom, except ſuch as are now capable by the laws of this kingdom to " elect, or be elected, as Commiſſioners for ſhire or burgh to the ſaid Par- " liament."

And after farther reaſoning thereon, the vote was ſtated, " Approve of the " firſt clauſe, or of the ſecond."

But before voting, it was agreed, That the votes be marked, and that a liſt of the members names, as they vote, be printed and recorded, and the Lord Chancellor was allowed to have his name printed and recorded amongſt thoſe who voted for the ſecond clauſe.

Then the vote was put, " Approve of the firſt clauſe, or ſecond;" and it carried, " Second."

Thereafter moved, " That the Parliament proceed to conſider in what man- " ner the ſeveral ſhires of this kingdom ſhall chooſe the thirty members ap- " pointed to repreſent them in the Houſe of Commons of Great Britain; as " alſo, in what manner the ſeveral boroughs ſhall chuſe the fifteen members, " appointed to repreſent them in the ſaid Houſe of Commons."

And after ſome diſcourſe thereon, the farther conſideration thereof was delayed till next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSER-

OBSERVATIONS LXIII. LXIV. AND LXV.

I put theſe three minutes together, becauſe they are all on the ſame ſubject, viz. The electing the repreſentatives to the Parliament of Great Britain, which was now to be formed into an act by itſelf.

There had been ſeveral ſchemes of elections laid down for the Peers, and three overtures had been preſented to the Houſe; ſome were for naming the ſeveral families, and fixing the repreſentative to be choſen out of them excluſively, and theſe were thoſe who pretended to make diſtinctions between the ancient and modern nobility; they thought it was reaſonable, ſince the numbers of noblemen lately made, and eſpecially in the laſt thirty or forty years, were but burdenſome, as they alledged, to the nation, that thoſe families newly made noble ſhould relinquiſh this affair to the ancient nobility, as what was inherent in them, but a new acceſſion to theſe; and that, ſince Scotland was to retrench her nobility, as to ſitting in Parliament, it was but juſt they ſhould be preferred, who had the moſt ancient title.

Others were for dividing the nobility into four claſſes, and taking every year a proportioned number out of each claſs.

Others were for taking by rotation, and ſo, beginning at the extremes, take the families as they riſe, either beginning at the eldeſt or youngeſt Peers.

But all theſe methods were rejected, and that of election carried it. Whether it were, that each party thought themſelves able to carry it from the other, or that they thought it their advantage, that they ſhould carry it who could make the beſt intereſt, I know not; but I cannot ſay they took the beſt way for the preſerving the public tranquillity, ſince the factions and party-makings for the inteteſt of elections, which muſt neceſſarily be the conſequence of this method, cannot but keep up a conſtant feud of parties and families in the nation, which muſt neceſſarily be renewed every three years, the Parliament being to be new choſen ſo often; during which time, the parties will be at work to cultivate, increaſe, and fortify their ſeveral intereſts, which, it is to be doubted, will go a great way to entailing a ſpirit of diviſion and party-ſtrife upon the whole nation. I wiſh I may be found to have made a wrong conjecture; but I ſhall have occaſion to ſpeak to this again in the proceſs of this ſtory, and to obſerve, how too much of this was made good in the very firſt election, I mean, for the ſecond Britiſh Parliament. Of which hereafter.

After the ſettling of the affair of the Peers, it was to be determined how the forty-five members for the Houſe of Commons ſhould be proportioned,

and this was prepared for them beforehand, and given in in a ſcheme or overture, which occaſioned ſome diſpute; the number of the ſhires and counties, and ſtewartries that formerly elected, were theſe were now to be reduced by joining two or three together, where they were ſmall and remote, to thirty members, each county chuſing none but one, and each head of counties, where any were joined together, chuſing but one; the burghs, or royal boroughs, were in number; theſe were formed into claſſes or diſtricts, and were for each diſtrict to chuſe one member; and becauſe the meeting together of the votes in the ſaid burghs might be both chargeable and inconvenient, a medium was found out, each burgh was to chuſe a commiſſioner, in the ſame manner as uſual, which commiſſioner was to meet with the commiſſioners of the other burghs of that diſtrict, and theſe were to chuſe the member.

The reſpective perſons concerned made ſome oppoſition about the joining of ſhires, but this had been a thing well concerted, and therefore admitted the leſs diſpute in the Houſe; the perſons alſo who had made the calculations being prepared to defend the equalities of it; it remained therefore to agree on the partition of the counties and towns, or as called in the minutes, barons and burghs, which was done with little diſpute, as per the minute.

The motion againſt the eldeſt ſons of Peers had not a little to be ſaid for it, particularly that when the influence of the nobility in Scotland comes to be conſidered, with the ſmall number of members to be choſen, it might in time to come riſe to what was hinted before, in the project of reducing the Lords that did not ſit in the Houſe of Peers, to a level with the Commons, and make them capable of ſitting in the Houſe of Commons, that then it might come to paſs, that Scotland ſhould be repreſented only by her nobility, and that there ſhould be Scots Lords in the Parliament of Britain; ſo here in time it might happen, that the nobility in the Houſe of Peers, and their eldeſt ſons in the Houſe of Commons, might make up the whole repreſentative of Scotland.

There were a great many arguments brought againſt this propoſal, but theſe ſeemed the moſt prevailing, viz.

1. That it had been always allowed in Scotland before, viz. That the eldeſt ſons of Peers might be elected.

2. That in England the eldeſt ſons of Peers do ſit in the Houſe of Commons, and it would break in upon the rule of equalities to alter it, and put the Scots gentlemen in a worſe condition than the Engliſh.

After ſome time a vote was offered that put it to an end, viz. To let the right of being elected remain juſt as it was, without any alteration at all, that he

he that had a right or capacity to vote, or to be choſen before, ſhould have ſo ſtill; and this ended the debate.

The manner of electing the Commons came next to be conſidered.

MINUTE LXVI.

Tueſday, January 28, 1707.

Prayers ſaid.

Rolls called.

Then the Parliament proceeded to conſider in what manner the ſeveral ſhires of this kingdom ſhall chooſe the thirty members appointed to repreſent them in the Houſe of Commons of Great Britain; as alſo in what manner the ſeveral burrows ſhall chooſe the fifteen members to repreſent them in the ſaid Houſe of Commons.

And after reaſoning thereon, a draught of an act was offered, ſettling the manner of electing and ſummoning the ſixteen Peers and fourty-five Commoners, to repreſent Scotland in the Parliament of Great Britain.

Which being read, it was moved to proceed to conſider that clauſe of the draught of the act appointing the ſhires of Bute and Caithneſs to have only one repreſentative, the ſhires of Nairn and Cromerty to have only one repreſentative, and the ſhires of Clackmannan and Kinroſs to have only one repreſentative, to be choſen alternatively; and the hail other ſhires and ſtewartries of this kingdom, now repreſented in this preſent Parliament, each to have one repreſentative in the Parliament of Great Britain.

And it was alſo moved to remit the ſame to a Committee; and after reaſoning on theſe motions, the vote was ſtated, "Approve of the above clauſe of the "act, or commit."

But before voting, a proteſtation was given in, in theſe terms: "I James Sin-"clair, of Stempſter, one of the commiſſioners for the ſhire of Caithneſs, do "proteſt for myſelf, and the other barons and freeholders of the ſaid ſhire, that "the vote now to be put for approving the conjunction of the ſaid ſhire of "Caithneſs with Bute, or any other of the leſſer ſhires, is againſt our right of "being always ſeparately repreſented in Parliament, and that becauſe the rule "of reducing ſhires is by their valuation, and ſix only to be reduced, the ſhire "of Caithneſs ought to enjoy its repreſentation as other greater ſhires, and the "ſhire of Sutherland, being leſs in valuation than Caithneſs, ought to be con-"joyned with the other leſſer five ſhires;" which being read, he took inſtruments thereupon, and Mr. James Dumbar, younger, of Hemprigs, the other commiſſioner for the ſaid ſhire of Caithneſs, adhered thereto.

Then the vote was put, "Approve of that clauſe of the act ſettling the manner "of electing repreſentatives for ſhires, or commit;" and it carried, "Approve."

Thereafter it was moved to proceed to conſider in what manner the burghs ſhall chooſe their repreſentatives.

And after debate thereon, the farther conſideration thereof was delayed till next *ſederunt* of Parliament.

Adjourned till to-morrow at ten o'clock.

MINUTE LXVII.

Wedneſday, January 29, 1707.

Prayers ſaid.

Rolls called.

Then the Parliament proceeded to the conſideration of the manner in which the burrows ſhall elect their repreſentatives to the Houſe of Commons of Great Britain.

Whereupon ſeveral ſchemes being given in and read in relation to the manner of the ſaid election,

After reaſoning thereon, and upon the number of the diſtricts that ſhall be appointed for making of the ſaid elections, and upon a motion that the burgh of Edinburgh by itſelf ſhall have always one repreſentative;

The vote was ſtated, "Whether the burghs ſhall be divided into three "diſtricts, or fifteen," (reſerving intire the motion as to the town of Edinburgh its having one repreſentative by itſelf) and it carried, "Fifteen."

Then the vote was put, "If the burgh of Edinburgh by it ſelf ſhall have "one repreſentative or not," and it carried, "One."

Thereafter a ſcheme, dividing the burghs into fifteen diſtricts, each of which diſtricts is to have one repreſentative, was given in and read, and is as follows: "The burghs of Kirkwal, Week, Dornock, Dingwal, and Tayn, one; For- "troſe, Inverneſs, Nairn, and Forreſs, one; Elgine, Cullen, Bamff, Inverury, "and Kintore, one; Aberdeen, Bervie, Montroſe, Aberbrothock, and Brechin, "one; Forfar, Perth, Dundee, Couper, and St. Andrews, one; Crail, Kilren- "ny, Anſtruther Eaſter, Anſtruther Weſter, and Pittenween, one; Dyſart, "Kirkaldie, Kinghorn, and Burnt-iſland, one; Innerkeithing, Dumfermling, "Queensferry, Culroſs, and Stirling, one; Glaſgow, Renfrew, Ruthergien, and "Dumbartoun, one; Edinburgh, one; Haddingtoun, Northberwick, Dum- "bar, Lawder, and Jedburgh, one; Selkirk, Peebles, Linlithgow, and Lanerk, "one; Dumfries, Sanquhar, Annan, Lochmeban, and Kirkcudbright, one; "Wigtoun, Newgalloway, Stranrawer, and Whitehorn, one; and Air, Irving, "Rothſay, Campbelltoun, and Inverary, one."

And after debate thereupon, " Whether it ſhould be approven, or remitted " to the Committee,"

The vote was put, " Approve the ſcheme or commit," and it carried, " Approve."

Then it was moved, that the Commiſſioners for the treaty of Union have their expenſes allowed to them; and a debate having ariſen thereupon, the farther conſideration thereof delayed till next *ſederunt* of Parliament.

Adjourned till Friday next at ten o'clock.

OBSERVATIONS LXVI. AND LXVII.

Theſe minutes are ſo expreſſive of the ſubject debated about, that there needs no explanation to be given; they were only matters of form dividing the burghs into diſtricts for election, and uniting the ſmaller remote counties to reduce the number; and all being ſtated beforehand, as I noted in the laſt, nothing material happened.

MINUTE LXVIII.

Friday, January 31, 1707.

Prayers ſaid.

Rolls called.

Then the Parliament proceeded to conſider the motion for allowing the Commiſſioners for the treaty of Union their expenſes; and thereupon a reſolve was given in theſe terms: " That the charge of the Commiſſioners ſent to the " treaty of Union on the part of the kingdom of Scotland, who met at Lon- " don in purſuance of Her Majeſties nomination by authority of Parliament, " and of the allowance to the ſecretary of the ſaid commiſſion, and to the ac- " comptants appointed by the ſaid commiſſion, are publick debts; and that " there be allowed to each nobleman, who attended the ſaid treaty at London, " the ſum of twelve thouſand pounds Scots; and to each other of the com- " miſſioners attending, the ſum of ſix thouſand pounds Scots; and to the ſe- " cretary of the ſaid commiſſion, the ſum of four thouſand eight hundred " pounds Scots; and to each of the three accomptants named by the ſaid com- " miſſion, the ſum of two thouſand four hundred pounds Scots; and that the " ſaid reſpective ſums be payed out of the ſum of three hundred ninety-eight " thouſand eighty-five pounds ten ſhillings ſterling, mentioned in the fifteenth " article of the ſaid treaty of Union, ratified in this Parliament; and that the " ſaid ſums be ranked and preferred after the ſums payable to the proprietors " of the African and Indian Company of Scotland *pari paſſu* with the firſt of " the publick debts appointed to be payable out of the foreſaid ſum of three " hundred ninety-eight thouſand and eighty-five pounds ten ſhillings ſterling " money."

Which being read, upon reaſoning thereon, a motion being made for reſtricting the quotas of the treaters expenſes; and ſome objections being alſo made againſt allowing the ſaid expenſes out of the above fund, the vote was ſtated, "Approve of the reſolve, or alter."

And before voting it was agreed, that the votes be marked, and that a liſt of the members names as they vote be printed and recorded.

Then the vote was put, "Approve of the reſolve, or alter;" and it carried, "Approve."

It was alſo agreed, that the Earl of Ilay (deſigned in the commiſſion for the treaty Lord Archibald Campbell) be allowed his expenſes as a nobleman.

Thereafter it was moved, That the Commiſſioners for the Treaty 1702 have allowance of their expenſes in manner following, viz. Each nobleman five hundred pounds ſterling, each baron three hundred pounds ſterling, and each burrow two hundred pounds ſterling.

And after debate thereupon, the vote was put, "Grant allowance to the Commiſſioners for the Treaty 1702, of their expenſes in the above manner, yea or not," and it carried, "Yea;" and the ſaid expenſe was declared to be a publick debt, and it was remitted to the Committee for ſtating of publick debts, to ſtate and rank the ſame as a publick debt.

Thereafter it was moved, That no repreſentative from either ſhire or burgh from this kingdom to the Parliament of Great Britain ſhall have any allowance for their charges and expenſes in attending the ſame.

And after debate, it being moved to delay the conſideration thereof till next *ſederunt* of Parliament,

The vote was put, "Proceed or delay," and it carried, "Delay."

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Monday next at ten o'clock.

OBSERVATION LXVIII.

This propoſal was ill received indeed, and a horrid clamour raiſed at it without doors: the people who had been hot againſt the Union took hold of it with an unbridled raillery, reproaching the treaters in a moſt indecent manner, exclaiming at the very thing itſelf. Now the nation might ſee they ſaid what they had been doing at London, and what they had been purſuing ever ſince that they had ſold their country for a ſum of money, and they were beginning to ſhare it among them: this referred to the equivalent, out of which this money was to be paid: that they voted for one another, the new Commiſſioners and the old; and that this was taking the money away to their private uſes, which they had pretended was to be employed in encouraging the manufactures

nufactures and employing the poor, raiſing ſtocks for the woollen trade, and funds for the fiſhing; that theſe were the ſpecious pretences, when the nation was brought in to accept of the equivalent; but that now it was done and over, they were dividing the ſpoil. It would be endleſs to ſet down the ill nature of the day as ſoon as this propoſal was talked of without doors, and yet there was really no reaſon, the gentlemen who went to England upon that occaſion, who ſet all their private affairs aſide to ſerve their country, and attended in England ſeveral months at expence enough, ſhould do all this at their own charges, when, at the ſame time, every other article had its ſupply out of the general fund; and therefore, notwithſtanding the clamours of the people, and ſeveral attempts within doors, firſt to reject it wholly, then to refuſe the payment of it out of the equivalent, which was indeed refuſing it wholly, ſince there was no other fund to pay it: and laſtly, to reſtrict the quantity; yet at laſt it paſſed, as it had been at firſt propoſed.

The allowance to the old treaters, they alledged, was a trick to draw in the allowance for the new, becauſe, being to be voted together, it was certain the old would vote for the new, that they might be ſure the new would in return vote for the old: but there was certainly the ſame reaſon that one ſhould be allowed their expence as the other; ſince, though they could not then bring it to a concluſion, yet their pains and expences might not be the leſs, but rather the more for that; and thus they were both voted to be allowed their charges, as per the minute.

MINUTE XLIX.

Monday, February 3, 1707.

Prayers ſaid.

Rolls called.

Thereafter the firſt *ſederunt* of Parliament (after paſſing the act, ſettling the manner of electing and ſummoning the repreſentatives for Scotland to the Parliament of Great Britain) was appointed for private buſineſs.

Then the motion made the former *ſederunt*, anent "allowing no charges or "expences to the repreſentatives from the ſhires and burghs of this kingdom "to the Parliament of Great Britain," reſumed.

And after debate thereon, the vote was put, "Whether there ſhall be a clauſe "in relation to the charges and expences of the repreſentatives for ſhires and "burghs inſert in the act ſettling the manner of electing, &c. yea or no," and it carried, "No."

Thereafter it was moved, that at all meetings of the Peers for electing of their repreſentatives, ſuch Peers as are abſent be allowed to have votes in the ſaid election by proxies, the ſaid proxies being Peers, and they and their conſtituents being qualified at the time, by taking the oaths required by law; and that the ſaid abſent Peers may either vote by their proxies, or by ſending up liſts ſubſcribed by them.

And after reaſoning thereon, the vote was put, "Allow proxies in the above "terms, yea or not," and it carried, "Allow."

Agreed, that the meeting of the Peers for the ſaid elections ſhall be at any place Her Majeſty ſhall appoint within the limits of Scotland.

Agreed alſo, that in caſe of the deceaſe, or legal incapacity of any of the fourty-five Commoners, to be choſen out of this ſeſſion of Parliament to the Parliament of Great Britain, the ſhire, ſtewartry, or diſtrict of burrows, for which he is a member, ſhall chooſe another in his place.

Agreed likewiſe, that in caſe of the deceaſe, or legal incapacity of any of the ſixteen Peers, the Peers ſhall meet and elect another in place of the deceaſer.

Moved, that ſuch Peers of Scotland, who are likeways Peers of England, or who, after the Union, ſhall be created Peers of Great Britain, have no vote in the election of the ſixteen Peers from Scotland to the Parliament of Great Britain.

And after debate thereon, it was put to the vote, "Whether any clauſe in "relation to the ſaid motion ſhall be inſert in the above act, ſettling the manner "of election, &c. yea or not," and it carried, "Not."

Thereafter it was agreed, that when the votes of the Commiſſioners for burrows, who ſhall meet for electing their repreſentatives are equal, the preſident of the meeting ſhall have a caſting or deciſive vote, beſide his vote as a commiſſioner repreſenting the burgh from whom he is ſent; and that the Commiſſioner for the eldeſt burgh ſhall preſide at the firſt meeting, and the Commiſſioner for the other burghs by turns, as the burghs are now called in the rolls of Parliament.

Adjourned till to-morrow at ten o'clock.

OBSERVATION LXIX.

The charges being allowed to the treaters, it was thought the Houſe would go on and allow this alſo, but it was preſently rejected. Some ſaid it was offered by way of jeſt, as a reproach to the gentlemen that took money for the ſervice of their country.

But the propoſal was made another way, viz. "That no repreſentative "from either ſhire or burgh, from this kingdom to the Parliament of Great "Britain, ſhall have any allowance for their charges or expences," &c. It

was

was alledged, that the Engliſh took no ſuch allowance, and that it would be a reproach to Scotland, if the Scots gentry ſhould take their charges from the country, and the Engliſh did not.

To this it was anſwered, that though the Engliſh gentlemen generally refuſed the allowance of the counties for their attendance, yet that, by law, there was ſuch an allowance due to them from the countries, and they might not only juſtify accepting it, but might legally demand it; and therefore it ought in like manner to be left at liberty in Scotland, when doubtleſs the Scots repreſentatives, in proportion to their capacities, would be found as frank and generous in ſparing the country as the Engliſh.

And it was remarkable, that in ſubſequent elections in Scotland for the counties, it was very often agreed jointly by the ſeveral candidates for election, that whoſoever carried it, ſhould relinquiſh any pretence to an allowance from the county for their ſervice in Parliament.

The affair of proxies in election of Peers is expreſſed at large in the minute, and needs no remark; nor was there any long debate upon it in the Houſe.

The other heads alſo being matter of form only were readily agreed to.

There was indeed ſome ſtruggle about excluding theſe noblemen of Scotland, who were noblemen in England, or ſhould be Peers of Britain, from voting, but they could not carry it: and yet it is to be obſerved, that at the firſt election of the ſixteen Peers by virtue of this act, ſome of the Peers of Scotland proteſted againſt the votes of thoſe that had Engliſh or Britiſh titles; a debate that is not yet (viz. at the writing theſe ſheets) determined, though this vote ſeems to conclude it directly.

MINUTE LXX.

Tueſday, February 4, 1707.

Prayers ſaid.

Rolls called.

Then the draught of an act "ſettling the manner of electing and ſummoning "the ſixteen Peers and fourty-five Commoners to repreſent Scotland in the "Parliament of Great Britain," read.

And thereupon a vote was put, "Allow a firſt reading to be marked on the "ſaid act, yea or not," and it carried, "Allow;" and a firſt reading was marked thereon accordingly.

Adjourned till to-morrow at ten o'clock.

MINUTE

MINUTE LXXI.

Wedneſday, February 5, 1707.

Prayers ſaid.

Rolls called.

Then the act ſettling the manner of electing the ſixteen Peers and fourty-five Commoners to repreſent Scotland in the Parliament of Great Britain, again read; and after reaſoning thereon, and ſome amendments, the act as amended was again read over, and it was put to the vote, "Approve of the act or not," and it carried, "Approve."

Overture for an act anent plantation of kirks brought in from the Committee and read, and, after ſome amendments, was ordered to be printed.

And alſo another overture for an act and commiſſion for plantation of kirks and valuation of teinds, brought in from the ſaid Committee, was read, and ordered to be printed.

Agreed, that the Parliament will proceed to the conſideration of theſe overtures the firſt *ſederunt* after they are printed, previous to all other buſineſs.

Then a proclamation concerning the coyn was brought in from the Committee and read, and a vote was put, "Approve of the proclamation or not," and it carried, "Approve."

Overture for an act againſt Popery and Papiſts brought in from the Committee, was read, and ordered to be printed.

Thereafter the act ſettling the manner of electing the ſixteen Peers and fourty-five Commoners to repreſent Scotland in the Parliament of Great Britain was touched with the royal ſcepter by Her Majeſties High Commiſſioner in the uſual manner.

Adjourned till Monday next at ten o'clock.

OBSERVATIONS LXX. AND LXXI.

The act for ſettling the manner of electing the repreſentative was now paſt, and becauſe it is an act containing a great variety of heads uſeful for poſterity to know when the reſpective elections may come on, I have inſerted it in the Appendix to this work, N° I xx.

The overture for plantation of kirks and valuation of teinds were put both together, and proceeded upon as one act; the caſe was in ſhort thus:—It had been

been the cuſtom in former Parliaments to grant a commiſſion to certain of their own members to ſit as a Court, and to judge and determine of ſeveral things relating to the two heads above, viz. plantation of kirks and valuation of teinds; the things they determined of were generally,

Sale and valuation of teinds or tithes in the ſeveral paroches;

Augmentation of the ſtipends of miniſters;

Prorogation of tacks, or leaſes of teinds;

Dividing or disjoining paroches, or pariſhes, where they were too large;

Erecting and endowing new churches;

Annexing and diſmembering churches, and the like.

It was ſome time ſince theſe commiſſions had been diſcontinued; and that was not all the misfortune, but all the regiſters and rolls of that court were loſt in the great fire which happened in the Parliament Cloſe at Edinburgh in the year 1700; ſo that there was no having recourſe to any thing paſt.

This was a great loſs to the church of Scotland upon ſeveral accounts; and had it remained unſettled at this juncture, the injury had been paſt remedy; wherefore it was earneſtly deſired, and readily granted, that all the powers formerly exerciſed by the ſaid commiſſion of Parliament ſhould now be conveyed to ſome particular court judicatory or body of men that ſhould judge and determine in ſuch caſes. Some were for having it veſted in the church itſelf, and committed to the general aſſembly: but it was alledged, that were to make the church judge in her own cauſe, and put too much power into the hands of the aſſembly; others were for deſiring it to be in the hands of the Crown, to grant commiſſion to proper perſons as the Parliament did before: but that was objected againſt, as dangerous to the ſafety and conſtitution of the church: at length it was devolved on the Lords of the Seſſion, and there it paſſed, as in the act, which is printed alſo at large in the Appendix, N°. K xx.

The Committee alſo now made their report about the coin, and the manner of ſettling it, the time of reducing and calling in the money, of which I have ſpoken already; but the report of the Committee being recited in the proclamation, and that proclamation ſtating the particulars exactly, I have placed the ſaid proclamation in the Appendix, N°. K. 3. it being the laſt proclamation made in Scotland as a ſeparate kingdom.

MINUTE LXXII.

Monday, February 10, 1707.

Prayers said.

Rolls called.

Then it was moved to proceed to private buſineſs, conform tothe minutes of the third of February inſtant.

Moved alſo to proceed to the conſideration of the two overtures mentioned in the minutes of the laſt *ſederunt*; the one remitting the plantation of kirks, &c. to the Lords of Seſſion; and the other for an act and commiſſion for plantation of kirks and valuation of teinds.

And after debate, the vote was put, "Proceed to conſider the two overtures "in order to a firſt reading, or proceed to private buſineſs," and it carried to the "Overtures."

Thereafter the two overtures were read in the above order, and the vote being put, "Mark a firſt reading on the firſt or ſecond," and it carried, "Firſt;" and a firſt reading was marked on the ſaid firſt overture, remitting the plantation of kirks to the Lords of Seſſion.

MINUTE LXXIII.

Wedneſday, February 12, 1707.

Prayers ſaid.

Rolls called.

Thereafter the following overtures for acts were given in and read, viz. Act renuncing the reverſion of Kirk-lands; act in favours of the inhabitants of the ſhire of Caithneſs; act in favours of the Earl of Linlithgow and Callender; for preſerving the game; act in favours of the Lady Littlegill and her ſon; act in favours of the Earl of Cromerty; and a firſt reading ordered to be marked on each of the ſaid acts.

Moved to proceed to the act for plantation of kirks, &c.; and alſo moved to proceed to the act for additional præmiums on exportation of victual.

And after reaſoning thereon, it was agreed to proceed firſt to the act for plantation of kirks, &c.; and after the ſame is finiſhed, to proceed immediately thereafter to the act for additional præmiums.

Then the act for plantation of kirks, &c. was read; and after ſome reaſoning thereon, the farther debate was adjourned till next *ſederunt* of Parliament.

Agreed,

Agreed, That the Parliament will next *ſederunt* proceed to elect the repreſentatives for Scotland, to the firſt Parliament of Great Britain; and it was intimate to the members to prepare for the ſaid election againſt that time; and agreed that the Parliament will thereafter proceed to the act for plantation of kirks, &c. previous to all other buſineſs after the election, and then to the act anent drawbacks on victual.

The ſecond *ſederunt* of Parliament next week appointed for private buſineſs.

Adjourned till to-morrow at ten o'clock.

OBSERVATIONS LXXII, AND LXXIII.

The Parliament now drawing near a cloſe, a great deal of private buſineſs crowded on the Houſe, ſo that ſometimes little was done as to the public, which is the reaſon of joining theſe obſervations upon two or three days at a time.

The affair of the act for plantation of kirks, &c. I have ſpoken of already; and as this only took up the work of theſe two days, I mean as to public buſineſs, there needs no farther remark upon them.

MINUTE LXXIV.

Thurſday, February 13, 1707.

Prayers ſaid.

Rolls called.

Then the Parliament, conform to the minutes of the laſt *ſederunt*, proceeded to elect the repreſentatives for Scotland to the firſt Parliament of Great Britain; and the three eſtates having ſeparated to their uſual places, they returned and reported their reſpective elections, and the liſt of their repreſentatives is as follows:

Of the nobility, the Duke of Queenſberry, Lord High Commiſſioner; the Earl of Seafield, Lord High Chancellor; the Marquis of Montroſe, Lord Preſident of the Privy Council; the Marquis of Tweeddale, the Marquis of Lothian, the Earls of Mar and Lowdoun, principal Secretaries of State; and the Earls of Crafurd, Sutherland, Roxburgh, Wemyſs, Leven, Stair, Roſeberry, Glaſgow, Theſaurer-depute, and Ilay.

Of the barons, William Niſbit, of Dirletoun; John Cockburn, younger, of Ormiſtoun, Sir John Swintoun, of that ilk; Sir William Ker, of Greenhead; Archibald Douglaſs, of Cavers; William Bennet, of Grubbet; Mr. John Murray, of Bowhill; Mr. John Pringle, of Haining; William Morriſon, of Preſtongrange; George Baillie, of Jerviſwood; Sir John Johnſtoun, of

Weſterhall; Mr. John Stuart, of Sorbie; Mr. Francis Montgomery, of Giffan; Mr. William Dalrymple, of Glenmure; Sir Robert Pollock, of that ilk, John Hadden, of Glenagies; Mungo Grahame, of Gorthie; Sir Thomas Burnet, of Leyes; Sir David Ramſay, of Balmain; William Seton, younger, of Pitmedden; Alexander Grant, younger, of that ilk; Hugh Roſs, of Kilravock; Sir Kenneth Mackenzie, Mr. John Campbell, of Mammore; Sir James Campbell of Auchinbreck; James Campbell, younger, of Ardkinglaſs; James Halyburtoun, of Pitcur; Alexander Abercrombie, of Glaſſoch; Alexander Douglaſs, of Eagilſhaw; and John Bruce of Kinroſs.

Of the Burrows, Sir Patrick Johnſtoun, Lieutenant-colonel John Areſkine, Hugh Montgomery, James Scot, Sir John Areſkine, Mr. Patrick Moncrieff, Sir Andrew Home, Sir Peter Halket, Sir James Smollet, Sir David Dalrymple, Mr. John Clerk, Mr. Patrick Ogilvie, George Allardice, Daniel Campbell, and Mr. Alexander Maitland.

Adjourned till Monday next at ten o'clock.

OBSERVATION LXXIV.

It was ſufficiently known, that Her Majeſty deſigned the Parliament then ſitting in England, ſhould, in conjunction with the repreſentatives from Scotland to be choſen, make up the firſt Parliament of Great Britain, though the proclamation was not exhibited till a great while after; nor did the Queen ſignify her intentions on that head to the Engliſh Parliament till the twenty-fourth of April after: however, as this matter had coſt ſome debate in the Houſe, and was at laſt reſolved on, they made their election as per the minute. The oppoſers of the Union made a noiſe, ſaid they had choſen all their own creatures; that they were partial to a party, and the like: but the time of taking notice of ſuch things was now over; the election was made calmly enough, and the names immediately publiſhed all over the kingdom, beſides being put in the minutes as above.

MINUTE LXXV.

Monday, February 17, 1707.

Prayers ſaid.

Rolls called.

Then the act for plantation of kirks, &c. again read, and was thereafter read by paragraphs, and after the firſt paragraph was read, it being moved, "That "the matter of plantation of kirks, &c. be remitted to a commiſſion:" after debate thereon, the queſtion was put, "If the matter of plantation of kirks,

" and valuation of teinds ſhall be remitted to a commiſſion, or to the Lords " of Council and Seſſion;" and it carried, " To the Lords of Council and " Seſſion."

Then a clauſe was offered in favours of the Macers of Privy Council, in theſe terms, declaring, " That the Macers of Privy Council, who, by their " gifts, did attend and officiate before the ſaid commiſſion of Parliament, " ſhall continue to attend and officiate before the ſaid Lords of Seſſion, in the " matter committed to them by this act, as they were in uſe to do before the " ſaid commiſſion, and none elſe:" and after reaſoning thereon, the vote was put, " Add the clauſe or not;" and it carried, " Add."

And after ſome amendments, the ſaid act was read over, then the vote was put, " Approve of the act or not;" and it carried, " Approve."

Thereafter the draught of an act for additional præmiums on the exportation of victual till the firſt of May next, again read; and after reaſoning thereon, and the addition of a clauſe thereto, it was put to the vote, " Approve of the " act or not;" and it carried, " Not."

Then the act, diſſolving the feu-duties of kirk-lands from the Crown, and diſcharging the reverſion thereof, again read, and after ſome amendments, it was put to the vote, " Approve the act or not;" and it carried, " Ap- " prove."

Overture for an act concerning chirurgeons and apothecaries in Edinburgh, given in and read, and it was put to the vote, " Mark a firſt reading thereon " or order it to lie on the table;" and it carried, " Mark a firſt reading:" and the ſame was ordered to be printed before a ſecond reading.

Adjourned till Thurſday next at ten o'clock.

MINUTE LXXVI.

Thurſday, February 20, 1707.

Prayers ſaid.

Rolls called.

Draught of an act, diſcharging muſters and rendezvouzes, and prorogating the ſuſpenſion of the clauſe in the act of Security thereanent, till the firſt day of January next to come, given in and read, and a firſt reading ordered to be marked thereon.

Adjourned till to-morrow at ten o'clock.

MINUTE

MINUTE LXXVII.

Friday, February 21, 1707.

Prayers ſaid.

Rolls called.

Then the act diſcharging muſters and rendezvouzes, till the firſt day of January next, and prorogating the ſuſpenſion of the clauſe in the act of Security thereanent till the ſaid time, which is in theſe terms: "That the whole "Proteſtant heretors, and all the burghs within this kingdom, ſhall furthwith "provide themſelves with fire arms for all the fencible men who are Proteſ-"tants within their reſpective bounds; and the ſaid heretors and burghs are "thereby impowered and ordained to diſcipline and exerciſe their fencible "men once in the month at leaſt;" was read a ſecond time; and after ſome amendments and reaſoning thereon, the vote was put, "Approve of the act "or not;" and it carried, "Approve."

Agreed, that the Parliament will, next *ſederunt* take into their conſideration the ſeveral reports of the Committee anent the coyn; the accompts of the African and Indian Company; and anent public debts: and that the petition for Colonel Patrick Ogilvie, of Carnes; Sir John Schaw, of Greenock; and Sir Archibald Campbell, of Clunies, be likewiſe taken into conſideration the firſt *ſederunt* for private buſineſs, previous to all other.

Thereafter the act anent plantation of kirks, and valuation of teinds, and the above act diſcharging muſters and rendezvouzes, &c. were both touched with the royal ſcepter, by Her Majeſties High Commiſſioner, in the uſual manner.

Adjourned till Wedneſday next at ten o'clock.

OBSERVATION LXXV, LXXVI, AND LXXVII.

The church act about kirks and teinds was now ſettled; the motion of having theſe things ſtill referred to a parliamentary commiſſion was thought to proceed from theſe, who were willing it ſhould remain in the ſame condition it had lain in for a long time, viz. unſettled and unprovided for; ſince it muſt yearly put the perſons concerned to make application to the Parliament of Britain, which was remote, and very troubleſome to get ſuch commiſſion ſettled, or triennially at leaſt. And whereas, while it lay before their own Parliament, it had, for ſome years, been unſettled, and the church left, as it were, unguarded in thoſe affairs; it might much more be ſuppoſed to be neglected if referred to the Britiſh Parliament: that, at the end of every Parliament, which at fartheſt would be but three years, this matter behoved

behoved to be laid before them again, and diligently ſolicited, in order to have it effectually ſettled. This, therefore, was vigorouſly oppoſed; and it was carried to be referred to the Lords of the Seſſion, as per the act. Vide the Appendix, N°. K. x. x.

The premiums and drawbacks on the exportation of corn had been ſettled, as before is obſerved, and are inſerted in the Union, as per the act appears: but, in regard the Union was not to take place till May, and the want of thoſe allowances might put a ſtop to the exportation in the mean time, and particularly, that there was a great Dutch fleet, and ſeveral Norway ſhips, in the port of Leith at that time, which would, in caſe of the encouragements now to be given, carry away a great quantity of corn, before the firſt of May; which exportation of corn would be a great advantage to the country, therefore this ſhort-lived act was propoſed for the encouragement of trade. But it was alledged, that the term of the commencement of the Union was ſo near, that no convoy would ſtir, or ſhips ſail before that time would be come, and the advantages would be the ſame to the merchant; upon which the bill was dropped in the Houſe, and came to nothing.

The debate about chirurgeons and apothecaries never came to any head; the deſign was to authoriſe the apothecaries and chirurgeons to adminiſter phyſic without the aſſiſtance or preſcription of the phyſicians in extraordinary caſes. It would have been perhaps a conteſted thing, if the Houſe had been of longer continuance, but the end of the Parliament being ſo near, there was no time for it.

The act about kirk lands and diſcharging the feu-duties, was a neceſſary law at that time in ſome ſpecial cauſes, and met with no oppoſition.

The Houſe ſat on Thurſday the twentieth of February, but was wholly employed about private buſineſs, which I have all along omitted as not to the purpoſe: on the twenty-firſt they did little but read the bill about prohibiting muſters, &c. and paſt it with the church act.

MINUTE LXXVIII.

Wedneſday, February 26, 1707.

Prayers ſaid.

Rolls called.

Report of the Committee anent the accompts of the African and Indian Company, was brought in and read; and it was moved that the ſame ſhould be printed for information.

Moved

Moved alſo, to proceed to the conſideration of the ſaid report, and that the ſame be read and proceeded on paragraph by paragraph.

And after reaſoning thereon, the vote was ſtated, "Proceed to the conſide-"ration of the Report, or print the ſame."

And before voting, it was agreed, that if it ſhould carry, "Print," the ſame ſhould, notwithſtanding thereof, be proceeded on the next *ſederunt* of Parliament.

Then the vote was put, "Proceed or print," and it carried, "Print."

Adjourned till Monday next at ten o'clock.

MINUTE LXXIX.

Monday, March 3, 1707.

Prayers ſaid.

Rolls called.

Report of the Committee anent the accompts of the African and Indian Company again read.

As alſo, an overture anent the accompts of the ſaid Company brought in and read; and after diſcourſe thereon it was moved, "To proceed on the "report of the Committee."

Moved alſo, "To delay proceeding till the next *ſederunt* of Parliament, "that the overture be printed:" and after debate it was put to the vote, "Proceed to the report of the Committee, or print the overture;" and it carried, "Print."

Repreſentation from the Council of Trade, reporting to the Parliament their procedure, and recommending their clerk and other perſons employed by them, for a gratification for their pains, read; and it was agreed, to give the Council of Trade the thanks of the Houſe for their pains and attendance; and to take the caſe of the clerk and other perſons employed by them to conſideration when the Parliament comes to conſider the public debts.

Adjourned till Wedneſday next at ten o'clock.

MINUTE LXXX.

Wedneſday, March 5, 1707.

Prayers ſaid.

Rolls called.

Petition for the officers of the army, in relation to the payment of their arrears read; and it was agreed that the ſame ſhall be taken to conſideration when the Parliament comes to conſider public debts.

Report

Report of the Committee anent the accompts of the African and Indian Company again read; as alſo the overture anent the accompts of the ſaid Company; and after reaſoning thereon,

It was agreed, that thoſe of the African Company who payed the firſt moiety of the ſeven and a half per cent., and therein got allowance of the annualrent of twenty-five per cent. formerly payed from the firſt of June 1696, till the firſt of Auguſt 1698, ſhall not now have allowance of the annualrent of the ſaid twenty-five per cent. preceding the firſt of Auguſt 1698, and remitted to the Committee to rectifie the accompt accordingly.

The Committee appointed to meet to-morrow at nine o'clock.

Adjourned till Friday next, at ten o'clock.

MINUTE LXXXI.

Friday, March 7, 1707.

Prayers ſaid.

Rolls called.

This day the Parliament was only employed on private buſineſs.

OBSERVATIONS LXXVIII, LXXIX, LXXX, AND LXXXI.

The Houſe had now very little public buſineſs before them; the affair of the African Company, and ſuch things as related to the payment of the equivalent were the principal matters: and this is the reaſon of putting ſo many days minutes together, in which I omit the private affairs before them as not to my purpoſe.

The Committee had been long upon the affair of the equivalent, they had ſettled the coin, and given in the report as before: the next thing was, to ſtate the accounts of the African Company, and this having taken them up a great deal of time, was at laſt ſettled, and reported by the Committee, and is as follows:

Report of the Committee concerning the Indian *and* African *Company.*

Edinburgh, February 21, 1707.

THE Committee to whom it was remitted, to conſider what the capital ſtock and intereſt of the African Company may amount to, and how and to whom the ſame ſhall be paid, having conſidered the foreſaid remit, with a repreſen-

nation given in to them by the Directors of the ſaid Company, and the Companies books and accounts of money payed in to them, with the inſtructions relative thereto; and a report of a Sub-Committee of their number, who did inſpect and examine the ſaid Companies books, with the ſaid accounts and inſtructions, and did calculate the ſums therein contained, find, that the total capital ſtock advanced by the Proprietors of the ſaid Company, with intereſt thereof at five per cent., from the reſpective terms at which the ſame was payable, to the firſt of May, one thouſand ſeven hundred and ſeven, extends in all to two hundred and twenty-nine thouſand four hundred and eighty-two pounds fifteen ſhillings one penny and five-ſixths of a penny ſterling: and that the total accounts of the debts due by the Company, the inſtructions whereof were alſo produced to and conſidered by the Committee, extends in principal and intereſt, to the ſum of fourteen thouſand eight hundred and nine pounds eighteen ſhillings eleven pence ſterling: both which ſums together, amount to two hundred and forty-four thouſand two hundred and ninety-two pounds fourteen ſhillings and five-ſixths of a penny ſterling; out of which ſums is to be deduced, of money lent to ſeverals of the Proprietors, with the intereſt thereof, the ſum of one thouſand one hundred and twenty-ſix pounds thirteen ſhillings nine pence and five-ſixths of a penny: ſo that there remains yet due to the Proprietors of the ſaid Company, of neat ballance, upon the firſt of May next, the ſum of two hundred and forty-three thouſand one hundred and ſixty-ſix pounds three pence ſterling; which ſums the Committee are of opinion ſhould be payed in to the Company, or theſe commiſſioned by them, out of the equivalent upon the firſt day of May next. And the Committee are of opinion, that the Court of Directors and Council General nominate ſome particular perſons, who ſhall be authoriſed to receive the hail capital ſtock and intereſt payable to the Company, from the Commiſſioners to be appointed for the equivalent, and who ſhall be impowered to grant a diſcharge thereof, with abſolute warrandice; and that the ſaid perſons ſo to be named, in conjunction with a Committee of Parliament, to be named as overſeers, ſhall be lyable for the ſaid money's being truly applyed and payed to the Proprietors without loſs, delay, or defalcation; and that the receipts granted by the Companies caſhiers, or extracts of the Proprietors payment out of their books, ſhall be a ſufficient inſtruction of each mans ſhare, to intitle them to demand payment thereof, which extracts ſhall be given gratis: and that the certificate, or extract out of their books, ſhall be a ſufficient warrant for a charge of horning for payment of their ſhares, againſt the perſons to be named who receives the money. And the Committee are of opinion, that Gavin Plummer, and Andrew Cockburn, who were caſhiers of the ſaid Company when the ſums of money foreſaid were payed in to the Company,

pany, ſhould now be the caſhiers and tellers for receiving the ſums above written from the Commiſſioners of the equivalent, and for paying out and delivering the ſame to the reſpective proprietors and others deriving right from them, upon the ſaid Gavin Plummer, and Andrew Cockburn, their finding ſufficient caution of their faithfulneſs, in performing the premiſſes in the ſame manner as they found formerly; and in caſe the ſaid ſum be not payed at the ſaid firſt of May next, to the perſons foreſaid, then, and in that caſe, the Committee are of opinion, that the ſum of one hundred and fifty-five thou ſand fifty-four pounds fifteen ſhillings and two-thirds of a penny, as a part of the ſaid total ſum due and payable at the ſaid firſt day of May next, ſhould bear annualrent from and after the ſaid firſt day of May, during the not payment thereof; and that the annualrent after the firſt of May foreſaid, effeiring to the ſaid ſum of one hundred and fifty-five thouſand and fifty-four pounds fifteen ſhillings and two-thirds of a penny, ſhould be payed out of the equivalent, in the ſame manner, and to the ſame perſons, as the principal ſum and annualrents due before the ſaid firſt of May next.

And alſo the Committee find, that the debts due to the Company, by the Proprietors, of their ſubſcription money, with intereſt till the firſt of May next, extends to the ſum of twenty-two thouſand nine hundred and fifty-one pounds three ſhillings three pence and three-ſevenths of a penny; which ſum, the ſaid Committee are of opinion, needs not to be fought in from the ſaid debitors, in regard the ſame behoved to be payed back to them, and would increaſe the capital ſtock due to the Company.

And the Committee find, that the dead ſtock belonging to the ſaid Company, and conſiſting of the ſhip the Caledonia, lying in the river of Clyde, with her furniture, guns, and apparelling; that lodging at the back of Milns Square, over againſt the Tron Kirk, with ſome little houſhold pleniſhing therein, and the Companies ſhare of the cargo of the Speedwell, ſhipwrecked in the Eaſt Indies, effeiring to the ſtock of ſix hundred pounds ſterling; with the burden of cellar rent of the ſtores of the Caledonia, and the expences of keeping the ſaid ſhip after the firſt of May; and of the fraught, ſeamen and factors wages of the ſaid cargo of the Speedwell, and other ſupervenient charges upon the ſaid ſhip and cargo, doth, in the whole, extend to one thouſand ſix hundred and fifty-four pounds eleven ſhillings and two-thirds of a penny ſterling; as to which, the Committee having conſidered, that the Commiſſioners of the Council General and Directors, who are to receive the money, and grant diſcharges therefore, are not only to be bound in abſolute warrandice by the ſaid diſcharges, but be obliged to give perſonal attendance, both at receiving in and giving out the ſaid money, and to keep an office for that effect, and to pay caſhiers, tellers, and book-keepers, and to provide

books, cheſts, and other conveniencies for receiving and keeping the money, until it be payed out; and will be likeways obliged and burdened to imploy advocates, writers, and other perſons, for adviſing the diſcharges to be granted at receiving and paying out of the money, and defending proceſſes on competition of rights, or making up of ſufficient titles in the perſon of theſe who are to receive out the money; and the neceſſary attendance and loſs of time of the ſaids Commiſſioners of the Council General and Directors, both for bygones and in time coming, and the loſſes upon telling, at receiving in ſand giving out of the money; the ſaid Committee are of opinion, that the foreſaid dead ſtock, extending in hail, with and under the ſaid burden, to the aid ſum of one thouſand ſix hundred and fifty-four pounds eleven ſhillings and two-thirds of a penny ſterling, ought to be allowed to the ſaid Company, and retained by them for the ends and uſes foreſaid, and particularly to enable the Council General and Directors of the ſaid Company to pay ſuch neceſſary allowances and ſatisfaction to the ſeveral gentlemen who ſuffered in their perſons and goods for the Companies ſervices, as their ſervices, loſſes, and ſufferings do juſtly merit.

And the Committee having conſidered the act of Parliament eſtabliſhing the Company, privileges therein-contained, and that part of the repreſentation relating thereto, they are of opinion, that, when the Company is diſſolved, and the capital ſtock and intereſt paid in by the Commiſſioners, and others intruſted with the equivalent, to the hands of the Commiſſioners appointed by the Council General and Directors to receive the ſame, every Proprietors ſhare may be recovered out of the hands of the ſaid Commiſſioners, to be appointed by the ſaid Council General and Directors, as other money belonging to private perſons.

Sic ſubſcribitur HADDINGTOUN, I. P. C.

On the third of March the report of the Committee was only again read, and little done, the day being taken up on private buſineſs.

On the fifth they ſpent a little time in conſidering farther the report of the Committee; and read an overture concerning the debts of the Company; which, as it was the foundation of the act that afterwards paſſed, and by which all this matter was ſettled, I think it very needful to publiſh it, and have therefore placed it in the Appendix, N°. A. x. x

Upon this overture, as is above noted, together with the report of the Committee, the act for ſettling the payment of theſe things out of the equivalent to the African Company was built, and the regulation being exactly ſet down in the print, any farther obſervation ſeems needleſs.

MINUTE LXXXII.

Monday, March 10, 1707.

Prayers ſaid.

Rolls called.

Thereafter the Six Clerks of Seſſion were recommended to Her Majeſty, and to the Lords Commiſſioners of Her Majeſties Theſaury and Exchequer, and other managers of the publick revenues, for payment of the gratification allowed to them by the Parliament, for their pains and ſervices in the terms of a recommendation thereanent.

Report brought in from the Committee, to whom it was remitted the fifth inſtant, to reconſider the accompt due to the Indian and African Company, was read; whereby deducing the annualrents formerly allowed by the Company, the total of the ſums due to the Company, of ſtock, intereſt, and debts, at the firſt of May next, will only extend to 232884l. 5s. 0⅓d. ſterling.

And after ſome reaſoning thereon, the vote was put, "Approve of the above "ſum as the quota, yea or not," and it carried, "Approve."

Thereafter it was moved, "That ſeeing the quota due to the Indian and "African Company was now eſtabliſhed; that the diſtribution of the above "quota ſhall be committed to the Commiſſioners appointed, or to be appointed "for diſpoſing of the equivalent, who are to be under the ſame obligations "and qualifications, and lyable to the ſame diligence to the ſeveral proprie-"tors and creditors of the Company, as is contained in the Report of the "Committee."

And it was alſo moved, "That the above hail quota ſhall be payed in "together, to ſuch perſons as are, or ſhall be appointed by the Council Ge-"neral or Directors of the Company, for diſtributing thereof in the above "terms."

And after ſome debate, a vote was ſtated, "Whether the quota due to the "Indian and African Company ſhall be payed by the Commiſſioners for diſ-"poſing of the equivalent (who ſhall be lyable conjunctly and ſeverally, *in* "*ſolidum*, to a charge of horning, as upon forreign bills and inland precepts, "and that the payment ſhall be made by the ſaid Commiſſioners to each par-"ticular Proprietor without delay, loſs, or defalcation; and that the ſaids Com-"miſſioners, nor any of them, or any other in their name, upon their account, "or for their behove, ſhall not take right to the ſaids debt, or make com-"poſitions or tranſactions thereanent, under the pain of infamy and other "pains of law) or to perſons to be appointed by the Council General and Di-"rectors of the Company."

But before voting, it was agreed, that the members votes be marked, and that the liſt of their names, as they ſhall vote, be printed and recorded.

Then

Then the vote was put, " Whether the money ſhall be payed by the diſ-
" poſers of the equivalent to the Proprietors; or to perſons to be appointed
" by the Council General;" and it carried, " To the Proprietors."

Ordered, That the Directors of the Indian and African Company ſhall, betwixt and the firſt day of May next to come, make up exact liſts of the reſpective debts which then fall due to the ſeveral Proprietors of the ſaid Company, or to ſuch perſons to whom the ſame is transferred by the firſt Proprietors, and that the ſaid liſts ſo made up, ſhall be ſubſcribed by five of the Directors, and by them be delivered in to the managers of the equivalent, betwixt and the ſaid day.

As alſo ordered, that the ſaid Directors ſhall, when required, give out to every Proprietor, or perſon in whoſe favours transferrences are, or ſhall be made, exact abbreviates of the particular ſums which fall due to each of them, at the ſaid firſt day of May next, ſubſcribed by three of the ſaid Directors, and that gratis, in order to the Proprietors or perſons to whom the ſame is transferred, their demanding payment thereof, or uſing diligence therefore.

Ordered likeways, that the ſaid Directors ſhall, betwixt and the ſaid firſt day of May next to come, make up an exact accompt of all debts due by the ſaid Company, and to whom, and of the extent of every creditors debt at the ſaid firſt day of May next; and that they ſhall, betwixt and the ſaid day, deliver to the diſpoſers of the equivalent, the ſaid accompt duly ſubſcribed by five of the ſaid Directors; as alſo, that they ſhall give out to every creditor, an abbreviate of the particular debts due to him, gratis; which is to be ſubſcribed by three of the ſaid Directors to the effect foreſaid.

Ordered, that diligence ſhall paſs, and be directed at the inſtance of the diſpoſers of the equivalent, againſt the Directors of the ſaid Company, for recovering exact liſts and accompts of all the debts of the Company immediately after the ſaid firſt day of May next, in caſe of their deficiency.

Ordered alſo, that the ſaid Directors ſhall, betwixt and the firſt day of May next, make up and deliver in as above, exact liſts and accompts of the dead ſtock of the ſaid Company; and that the ſaid Directors ſhall have allowance of the ſum of 300l. ſterling, out of the firſt and readieſt of the price of the Companies Houſe, to be diſpoſed of by them, for defraying the charges of making up the liſts and accompts.

And upon a petition given in by Captain Colin Campbell, Captain Charles Stuart, Lieutenant Robert Turnbul, who were ſufferers and loſers in the Companies expedition and ſervice, there was a ſum allowed to them out of the ſaid dead ſtock, conform to an interloquitor on their petition.

Agreed

Agreed alſo, That, upon the Commiſſioners for diſpoſing the equivalent, their receiving of the above ſum of 232884 lib. 5 ſh. $\frac{5}{9}$ ſterling, there ſhall be a proclamation iſſued from the Privy Council, certiorating the liedges, that the ſaid ſum is in their hands, and thereupon agreed, that the ſaid Company be diſſolved.

Report brought in from the Committee anent the coyn, was read, and the farther conſideration thereof delayed till next *ſederunt* of Parliament.

Adjourned till to-morrow, at ten o'clock.

MINUTE LXXXIII.

Tueſday, March 11, 1707.

Prayers ſaid.

Rolls called.

Report brought in from the Committee, anent the payment of ſome debts found due by the African and Indian Company, not formerly ſtated, out of the dead ſtock of the ſaid Company, and recommending ſeveral other perſons in conſideration of their loſſes and ſufferings, to be payed out of the ſaid dead ſtock, read, and the report approwen, as to the payment of the Company's debts out of the dead ſtock, and the remainder of the ſaid dead ſtock after payment of 650 lib. ſterl. formerly appointed to be payed furth thereof, and after payment of the above debt; was granted to be applyed and divided amongſt the perſons mentioned in the ſaid report, and among the repreſentatives of Mr. Alexander Ogilvie, Andrew Brown, Hugh Roſs, and Captain Alexander Montgomery, and none other, by ſuch proportions as the Committee ſhall think fit, to whom the determination thereof is remitted.

Report of the Committee anent the coyn again read, and the firſt paragraph thereof thereafter read, and after ſome debate thereon, the farther conſideration adjourned till next *ſederunt* of Parliament.

Adjourned till Thurſday next at ten o'clock.

MINUTE LXXXIV.

Thurſday, March 13, 1707.

Prayers ſaid.

Rolls called.

Report of the Committee anent the coyn again read, and upon reading of the ſecond paragraph of the ſaid report, that for making up of the loſſes which private perſons may ſuſtain by the Engliſh money, as its now current in this kingdom; particular perſons be appointed, before whom all perſons are by procla-

proclamation to be required to compare and tell down what Engliſh money they have.

It was moved, "That the filling up of the perſons and places where the "money is to be told down, be remitted to the Privy Council."

And after ſome diſcourſe thereon, the vote was put, "Remit to the Privy "Council to name the perſons, places, and time; or determine in Parliament;" and it carried, "Remit."

Agreed, that the loſs by the ſilver coyned is only to be made up.

And after ſeveral other additions and amendments, the report of the Committee, as amended, was approven *nemine contradicente.*

And it was remitted to the Privy Council to emit a proclamation thereanent, in ſuch terms, and with ſuch orders, and appointing the execution thereof after ſuch method and manner, as they ſhall think fit, conform to a particular remit and order of Parliament thereanent.

Adjourned till Monday next at ten o'clock.

MINUTE LXXXV.

Monday, March 17, 1707.

Prayers ſaid.

Rolls called.

Overture for an act for ſelling herring by meaſure, read, and ordered to be printed.

Overture for an act for reſcinding the 15th act of the 5th ſeſſion of King William's Parliament, entituled, "Act for encouragement of preachers at va-"cant churches be North Forth;" and the 13th act of the 6th ſeſſion of King William's Parliament, entituled, "Act in favours of the African and Indian "Company," read, and ordered to ly on the table.

Overture for an act for payment of the capital and intereſt to the Proprietors of the African and Indian Company of Scotland out of the equivalent, read, and after ſome amendments, a firſt reading ordered to be marked thereon, and ordered to be printed before a ſecond reading.

Act for burying in woollen read a ſecond time, and after reaſoning thereon, it was put to the vote, "Approve of the act or not;" and it carried, "Approve."

Overture for an act concerning chirurgeons and apothecaries in Edinburgh, read a ſecond time.——Petition for the Royal Colledge of Phyſicians in Edinburgh againſt the ſaid act alſo read; and after reaſoning, it was moved, That the phyſicians ought to be cited before the act can paſs; and it was alſo

alſo moved, that the phyſicians be heard thereanent next *Sederunt* of Parliament.

And after further reaſoning, the vote was ſtated, Hear the parties procurators next *Sederunt*, or *Cite*; and it carried *Cite*.

Adjourned till Wedneſday *next at Ten a Clock.*

OBSERVATIONS LXXXII, LXXXIII, LXXXIV, LXXXV.

'The Committee had now ſettled the ſum, which in the groſs was to be paid to 'the Proprietors of the African Company; the queſtion that remained was, by 'what method it ſhould be diſtributed, and to whom it ſhould be paid;—— 'two motions were made about it.

'1. That it ſhould be paid out by the Commiſſioners who were to be 'appointed for the general diſtribution of the Equivalent, and by them im- 'mediately paid to the perſons, who had a right to the payment by act of 'parliament.

'2. Some thought this was diſhonourable to the Directors of the Com- 'pany, and they moved, that they ſhould appoint perſons to receive and 'diſtribute the money, but this laſt met with very little approbation.

'I care not to take notice of ſome diſputes that happened upon this occaſion, 'becauſe they ſeemed to make perſonal reflections;—and only ſignified, that 'ſome people were more jealous of one another, than I hope there was occaſion 'for on either ſide;—but it was evident, the people who were to receive the 'money, were generally moſt concerned to have it paid them by the Commiſ- 'ſioners of the equivalent immediately, as being the ſureſt method, and ſo it was 'at laſt agreed.

'The money being thus directed, and who ſhould have the payment; it is not 'material to take notice of the ſeveral claims put in, debts demanded of the com- 'pany, and ſervices to be rewarded; they were all matter of private intereſt, and 'I omit them of courſe.

'The affair of the Coyn, and the report of the Committee, I have noted 'already; and as it iſſued in a proclamation, and that proclamation recited the 'report of the Committee, I have inſerted the whole in the Appendix N° I. 3.

'On the ſeventeenth the act for the payment of the capital and intereſt of 'the African and Indian Company was read, and little more but private buſineſs 'was done; the Union was now finiſhed in England, and expected down every 'day, and the Parliament, ſaving the diſpatch of ſome private bills, had nothing 'before them but the African affair, which held them juſt to the end of their 'time.'

MINUTE LXXXVI.

Wedneſday, 19 March, 1707.

Prayers ſaid,
Rolls called,

Then my Lord Commiſſioner made the following ſpeech, viz. " My Lords, and Gentlemen, I have received by Her Majeſties command an exemplification, under the Great Seal of England, of the act paſt in the Parliament of that kingdom, ratifying the Treaty of Union in the ſame terms as the Treaty was paſt here.

" Her Majeſty orders it to be inſerted in the books of Parliament, and to remain with the records of this kingdom; for which end I have put it in my Lord Clerk Regiſter's hand.

" My Lords, and Gentlemen, It is a great ſatisfaction to the Queen, that the Union is thus happily concluded in her reign; and I'm commanded by her Majeſty to aſſure you, that nothing ſhall be omitted on Her part, to make the whole iſland feel the good effects of it.

" And as I doubt not but the finiſhing of this great affair is acceptable to you, ſo I hope you will ſtudy to promote a cordial Union with our neighbours, for the greater happineſs and advantage of both kingdoms."

Then the exemplification of the act of parliament of England ratifying the Treaty of Union betwixt Scotland and England, under the Great Seal of England, was read, and ordered to be recorded.

Act for ſecuring the Proteſtant religion, and Preſbyterian Church Government. Act ratifying and approving the Treaty of Union of the two kingdoms of Scotland and England: And act for ſettling the manner of electing the ſixteen Peers and forty members to repreſent Scotland in the Parliament of Great Britain, were ordered to be proclaimed and printed.

Thereafter the act for payment of the capital and intereſt to the proprietors of the African and Indian Company of Scotland out of the equivalent, was again read: As alſo read over by paragraphs.

And upon reading the laſt paragraph, a petition for the Earl of Crawfurd, craving that a debt due to the deceaſt Major John Lindſay, by the African Company, might be allowed out of their effects, was read, and an allowance was granted in the terms of a deliverance thereon.

As alſo, upon another petition given in by the relict of Captain Baillie, who died in the ſaid Companies Service, for ſome allowance for her great loſs, an Allowance was alſo granted to her in the terms of a deliverance thereon; and

after

after ſeveral amendments were made upon the ſaid act, the ſame was voted and approven.

Adjourned till Friday *next at Ten a Clock.*

OBSERVATION LXXXVI.

'Now the work drew towards a cloſe, the long hopes of thoſe people who 'promiſed themſelves doubts, delays, and long heſitations in England, were in- 'tirely vaniſhed, and people were generally ſurprized at the Treaty being ſo 'readily and ſo ſummarily paſt in England; the gentlemen on the other ſide had 'two kinds of expectation from the parliament of England.

'1. Delay and length of time, in debating and diſputing with amend- 'ments, conferences, and free conferences between the upper and lower 'houſe of Parliament in England, according to the known way and uſage, 'in caſes of ſuch difficulty as this was.

'2. Amendments or alterations, which might occaſion the reſpective 'Articles ſo amended, to be remitted or returned to the Parliament of Scot- 'land, to be reconſidered, by which means not the particular articles only, 'but perhaps the whole treaty might neceſſarily go through the hands of 'the Parliament in Scotland again, and ſo the time which began to approach, 'viz. The firſt of May, at which time the Union was to take place, ſhould 'be elapſed; and ſo it might be put off to another Parliament, and the work 'be to be done over again.

'But all men were ſurprized, when they underſtood the Parliament of Eng- 'land had paſt it in the groſs, without the leaſt deviation, alteration, or amend- 'ment.

'The additions which the Engliſh Parliament made, by inſerting the Act of 'Security for the Church of England in the body of the Union, agreeable to 'the ſame in Scotland, was nothing but what was provided for, according to that 'clauſe before noted, in theſe terms; That the Parliament of England may 'provide for the ſecurity of the Church of England, as they think expedient, 'to take place within the ſaid bounds of the kingdom of England, and not dero- 'gating from the ſecurity above provided, for eſtabliſhing the Church of Scot- 'land within the kingdom of Scotland, as *per* the Act of Ratification appears; 'which Ratification, with the exemplification as it came down from England, is at large printed immediately after theſe minutes.'

MINUTE LXXXVII.

Friday, 21 *March*, 1707.

Prayers ſaid,
Rolls called,

Upon a repreſentation by the Directors of the African Company; That, ſince the Committees Report, anent the debts of the ſaid Company, and Act of Parliament thereupon, there appears ſome ſmall claims againſt the Directors upon the Companies accompt; The Parliament did recommend to the Commiſſioners for the Equivalent, to pay ſuch further ſums, as ſhall be duly inſtructed by the Directors on the Companies accompt, not exceeding the ſum of one hundred and fifty pounds ſterling.

Warrant granted to cite the Phyſicians of the Royal Colledge of Edinburgh in common form, upon a petition given in by the Chirurgeon Apothecaries.

Report of the Committee anent the publick debts read, and an overture for an act concerning publick debts alſo read; and a firſt reading ordered to be marked thereon, and ordered to be printed before a ſecond reading.

Adjourned till Monday *next at Ten of the Clock.*

MINUTE LXXXVIII.

Monday, 24 *March*, 1707.

Prayers ſaid,
Rolls called,

Additional liſts of Commiſſioners of Supply for ſeveral ſhires given in and read, and ordered to be added to the Commiſſioners formerly named for the ſaid reſpective ſhires.

Thereafter the act concerning public debts read a ſecond time, and again read over by paragraphs, and after ſome amendments and additions, the act as amended was voted and approven.

Then it was moved, that now, in the concluſion of the Parliament, a letter to her Majeſty be brought in; and a draught of a letter being accordingly brought in and read, the ſame, after ſome amendments, was voted and approven.

Thereafter the following petitions, viz. Petition, Thomas Lockhart, Surveyer at Leith; Petition Enſign William Dick; Petition Mr. Robert Henderſon Bibliothecar of the Colledge of Edinburgh, were all moved, and recommended to her Majeſty, in the terms of the deliverances on their reſpective petitions.

Petition Alexander Black and partners of a ſtarch manufactory for endowing their work with the privileges of other manufactories, and for impoſing a duty on foreign ſtarch, read, and the deſire thereof granted in part, conform to a deliverance on the petition.

James Finlayſon ſervitor to Mr. Robert Alexander, one of the Clerks of Council and Seſſion, recommended to her Majeſty's Theſaury, conform to a deliverance on his petition.

Petition John Hamilton Town Clerk of Irvine moved, and recommended to her Majeſty in the terms of a deliverance thereon.

Adjourned till to-morrow at Ten of the Clock.

MINUTE LXXXIX.

Tueſday, 25 March, 1707.

Prayers ſaid,
Rolls called,

James Cunninghame of Auchinharvie younger, was upon his Petition recommended to her Majeſty in the terms of the deliverance thereon.

The Lord Preſident and remanent Lords of Council and Seſſion recommended in a ſpecial manner to her Majeſty for the augmentation of their ſallaries, conform to a recommendation apart.

The macers and clerk's ſervants, and keepers and ſervants of the houſe, recommended to the Lords of her Majeſty's Theſaury, for a gratification for their attendance and ſervice this Seſſion of Parliament, conform to deliverances on their reſpective petitions.

James Steven, uſher, likeways recommended to the Lords of Theſaury upon a petition, conform to a deliverance thereon.

William Bayne, upon a petition, recommended to her Majeſty, conform to the deliverance on the ſaid petition.

Acts of Ratification in favours of ſeveral perſons read and paſt.

Proteſtation taken in favours of the Duke of Hamilton againſt one of the above ratifications in favours of the Duke of Douglaſs, in ſo far as concerns his firſt vote in Parliament, and other precedencies therein-mentioned.

As alſo ſeveral warrants for fairs read and granted.

Ordered, that the fairs granted this ſeſſion of Parliament, if not extracted within ſix months, ſhall be void and null.

It being moved to recommend Mr. William Paterſon to her Majeſty for his good ſervice; after ſome reaſoning thereon, it was put to the vote, recommend him to her Majeſty, or not; and it carried, recommend.

Alexander Baillie, ſervitor to the Lord Regiſter, recommended to the Lords of Theſaury, on a petition conform to deliverance thereon.

The

The following Acts, viz. Act in favours of the Incorporations of Edinburgh for a maiden hoſpital, Act in favours of the town of Dundee, Act in favours of the town of Aberdeen, Act in favours of the Duke of Hamilton and Town of Borrowſtouneſs, Act in favours of the Burgh of Kirkaldie, Act renouncing the reverſion of Kirk-lands, Act in favours of the burgh of Kinghorn, Act for clearing the Paſſage through the Mary-Wind, in the burgh of Sterling, Act in favours of the Earl of Linlithgow and Callendar, Act in favours of the Lady Littlegill and her Son, Act of naturalization of John Henry Huguetan, Act for the naturalization of ſeveral foreigners, Act for preſerving the Game, Act in favours of the Earl of Buchan, Act of diſſolution of the mines and minerals belonging to his grace the Duke of Queenſberry, Act for burying in Woollen, Act in favours of the maiden hoſpital, founded by the company of merchants and Mary Erſkine, Act concerning the payment of the ſums out of the Equivalent to the African company, and Act concerning the publick debts, were all touched with the royal ſcepter by her Majeſty's High Commiſſioner in the uſual manner.

Act Salvo Jure Cujuſlibet read, and it being again read over, it was voted and approven, and touched with the royal ſceptre by her Majeſties High Commiſſioner in the uſual manner.

Then his Grace Her Majeſties High Commiſſioner made the following ſpeech.

My Lords and Gentlemen,

The publick buſineſs of this ſeſſion being now over, it is full time to put an end to it.

I am perſwaded, that we and our poſterity will reap the benefit of the Union of the two kingdoms, and I doubt not, that, as this parliament has had the honour to conclude it, you will, in your ſeveral ſtations, recommend to the people of this nation, a grateful ſenſe of her Majeſties goodneſs and great care for the welfare of her ſubjects, in bringing this important affair to perfection, and that you will promote an univerſal deſire in this kingdom to become one in hearts and affections, as we are inſeparably joyned in intereſt with our neighbour nation.

My Lords and Gentlemen,

I have a very deep ſenſe of the aſſiſtance and reſpect I have met with from you in this ſeſſion of Parliament; and I ſhall omit no occaſion of ſhewing, to the outmoſt of my power, the grateful remembrance I have of it.

Adjourned till the Twenty-ſecond Day of April *next.*

OBSERVATIONS LXXXVII, LXXXVIII, LXXXIX.

" We are now come to the End of the work, the exemplification of the ' Treaty had been read and recorded, and all things relating to the Union ' was over.

" What follows, amounted to nothing but paſſing and touching the ' private Acts of the Parliament that lay yet before them, and recommend- ' ing to her Majeſty ſuch perſons as the Parliament thought merited well ' from the government, and moſt of whoſe employments were to ceaſe with ' the alteration of the government—; and this being done, the Commiſ- ' ſioner concluded the whole with a ſpeech as above, and the Parliament ' broke up—, was adjourned as *per* the minute, and afterward, *viz.* the ' twenty-eighth of April, diſſolved."

Here follows the exact copy of the Act of Ratification of the treaty of Union, as it was paſſed in the Parliament of Scotland, with the exemplification thereof from England, as it ſtands recorded in Scotland, by order of the Parliament there.

Act ratifying and approving the Treaty of the two Kingdoms of Scotland *and* England.

January 16, 1707.

THE Eſtates of Parliament conſidering, that Articles of Union of the kingdoms of Scotland and England, were agreed on the twenty-ſecond of July, one thouſand ſeven hundred and ſix years, by the Commiſſioners nominated on behalf of this kingdom, under her Majeſties great ſeal of Scotland, bearing date the twenty-ſeventh of February laſt paſt, in purſuance of the fourth act of the third ſeſſion of this parliament, and the Commiſſioners nominated on behalf of the kingdom of England, under her Majeſties great ſeal of England, bearing date at Weſtminſter the tenth day of April laſt paſt, in purſuance of an act of Parliament made in England the third year of her Majeſties reign, to treat of and concerning an Union of the ſaid kingdoms; which Articles were, in all humility, preſented to her Majeſty, upon the twenty-third of the ſaid month of July, and were recommended to this Parliament by her Majeſty's Royal Letter of the date the thirty-one day of July, one thouſand ſeven hundred and ſix; and that the ſaid eſtates of Parliament have agreed to, and approven of the ſaid Articles

ticles of Union, with ſome additions and explanations, as is contained in the Articles hereafter inſert. And ſicklike, her Majeſty, with advice and conſent of the Eſtates of Parliament, reſolving to eſtabliſh the Proteſtant Religion and Preſbyterian Church Government within this kingdom, has paſt in this ſeſſion of Parliament an act, intituled, Act for ſecuring of the Proteſtant Religion and Preſbyterian Church Government, which, by the tenor thereof, is appointed to be inſert in any act ratifying the Treaty, and expreſly declared to be a fundamental and eſſential condition of the ſaid Treaty of Union in all time coming. Therefore, her Majeſty, with the advice and conſent of the Eſtates of Parliament, in fortification of the approbation of the Articles as above-mentioned, and for their further and better eſtabliſhment of the ſame, upon full and mature deliberation upon the foreſaid Articles of Union, and Act of Parliament, doth ratify, approve, and confirm the ſame, with the additions and explanations contained in the ſaid Articles, in manner, and under the proviſions after mentioned, whereof the tenor follows. I. ARTICLE, That the two kingdoms of Scotland and England ſhall, upon the firſt day of May next enſuing the date hereof, and for ever after, be united into one kingdom by the name of GREAT BRITAIN, and that the Enſigns Armorial of the ſaid United Kingdom be ſuch as her Majeſty ſhall appoint, and the Croſſes of St. Andrew and St. George be conjoined in ſuch manner as her Majeſty ſhall think fit, and uſed in all flaggs, banners, ſtandards, and enſigns, both at ſea and land. II. That the ſucceſſion to the Monarchy of the United Kingdom of Great Britain, and of the dominions thereunto belonging, after her moſt ſacred Majeſty, and in default of iſſue of her Majeſty, be, remain and continue to the moſt excellent Princeſs Sophia, Electoreſs and Dutcheſs Dowager of Hannover, and the heirs of her body, being Proteſtants, upon whom the Crown of England is ſettled by an act of Parliament made in England, in the twelfth year of the reign of his late Majeſty King William the Third, intituled, An act for the further limitation of the Crown, and better ſecuring the rights and liberties of the ſubject: and that all papiſts, and perſons marrying papiſts, ſhall be excluded from, and for ever incapable to inherit, poſſeſs, or enjoy the Imperial Crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and in every ſuch caſe, the Crown and Government ſhall, from time to time, deſcend to, and be enjoyed by ſuch perſon, being a proteſtant, as ſhould have inherited and enjoyed the ſame, in caſe ſuch papiſt, or perſon marrying a papiſt, was naturally dead, according to the proviſion for the deſcent of the Crown of England, made by another act of Parliament in England, in the firſt year of the reign of their late Majeſties King William and Queen Mary, intituled, An act declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of the

the Crown. III. That the United Kingdom of Great Britain be repreſented by one and the ſame parliament, to be ſtyled the Parliament of Great Britain. IV. That all the ſubjects of the united kingdom of Great Britain ſhall, from and after the Union, have full freedom and intercourſe of trade and navigation, to and from any port or place within the ſaid united kingdom, and the dominions and plantations thereunto belonging, and that there be a communication of all other rights, privileges and advantages, which do or may belong to the ſubjects of either kingdom, except where it is otherwiſe expreſly agreed in theſe articles. V. That all ſhips, or veſſels, belonging to her Majeſty's ſubjects of Scotland, at the time of ratifying the treaty of Union of the two kingdoms in the Parliament of Scotland, though foreign built, be deemed and paſs as ſhips of the build of Great Britain: The owner, or where there are more owners, one or more of the owners, within twelve months after the firſt of May next, making oath, that, at the time of ratifying the treaty of Union in the Parliament of Scotland, the ſame did, in hail or in part, belong to him or them, or to ſome other ſubject or ſubjects of Scotland, to be particularly named, with the place of their reſpective abodes, and that the ſame doth then, at the time of the ſaid depoſition, wholly belong to him or them, and that no foreigner, directly or indirectly, hath any ſhare, part or intereſt therein; which oath ſhall be made before the chief officer or officers of the cuſtoms, in the port next to the abode of the ſaid owner or owners; and the ſaid officer, or officers, ſhall be impowered to adminiſter the ſaid oath: and the ſaid oath being ſo adminiſtred, ſhall be atteſted by the officer, or officers, who adminiſtered the ſame, and being regiſtred by the ſaid officer or officers ſhall be delivered to the maſter of the ſhip for ſecurity of her navigation, and the duplicate thereof ſhall be tranſmitted by the ſaid officer or officers, to the chief officer or officers of the Cuſtoms in the port of Edinburgh, to be there entered in a Regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all trading ſhips belonging to Great Britain. VI. That all parts of the united kingdom for ever, from and after the Union, ſhall have the ſame allowances, encouragements and drawbacks, and be under the ſame prohibitions, reſtrictions and regulations of trade, and liable to the ſame cuſtoms and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, reſtrictions and regulations of trade, and the cuſtoms and duties on import and export ſettled in England, when the Union commences, ſhall, from and after the Union, take place throughout the whole united kingdom, excepting and reſerving the duties upon export and import of ſuch particular commodities, from which any perſons, the ſubjects of either kingdom, are ſpecially liberated and exempted by their private rights, which, after the Union, are to remain ſafe and intire to them, in all reſpects, as before the ſame; and that,

from and after the Union, no Scots cattle carried into England ſhall be liable to any other duties, either on the publick or private accounts, than theſe duties, to which the cattle of England are or ſhall be liable within the ſaid kingdom. And ſeeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expreſſed, that, from and after the Union, when oats ſhall be ſold at fifteen ſhillings ſterling *per* quarter, or under, there ſhall be paid two ſhillings and ſix pence ſterling for every quarter of the oatmeal exported in the terms of the law, whereby and ſo long as rewards are granted for exportation of other grains, and that the bear of Scotland have the ſame rewards as barley. And in reſpect the importation of victual into Scotland, from any place beyond ſea, would prove a diſcouragement to tillage, therefore, that the prohibition, as now in force by the law of Scotland, againſt importation of victual from Ireland, or any other place beyond ſea into Scotland, do, after the Union, remain in the ſame force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain, for diſcouraging the importation of the ſaid victual from beyond ſea. VII. That all parts of the united kingdom be for ever, from and after the Union, liable to the ſame exciſes upon all exciſeable liquors, excepting only, that the thirty-four gallons Engliſh barrel of beer or ale, amounting to twelve gallons Scots preſent meaſure, ſold in Scotland by the brewer at nine ſhillings ſix pence ſterling, excluding all duties, and retailed, including duties and the retailer's profit, at two pence the Scots pint, or eight part of the Scots gallon, be not, after the Union, liable, on account of the preſent exciſe upon exciſeable liquors in England, to any higher impoſition than two ſhillings ſterling upon the foreſaid thirty-four gallons Engliſh barrel, being twelve gallons the preſent Scots meaſure, and that the exciſe ſettled in England on all other liquors, when the Union commences, take place throughout the whole united kingdom. VIII. That, from and after the Union, all foreign ſalt, which ſhall be imported into Scotland, ſhall be charged, at the importation there, with the ſame duties as the like ſalt is now charged with, being imported into England, and to be levied and ſecured in the ſame manner. But in regard the duties of great quantities of foreign ſalt imported may be very heavy on the merchants importers, that therefore all foreign ſalt imported into Scotland ſhall be cellared and locked up under the cuſtody of the merchant importer, and the officers employed for levying the duties upon ſalt, and that the merchant may have what quantities thereof his occaſion may require, not under a weigh or forty buſhels at a time, giving ſecurity for the duty of what quantity he receives, payable in ſix months; but Scotland ſhall, for the ſpace of ſeven years from the ſaid Union, be exempted from paying in Scotland, for ſalt made there, the duty or exciſe now payable for

ſalt

ſalt made in England: but, from the expiration of the ſaid ſeven years, ſhall be ſubject and liable to proportional duties for ſalt made in Scotland, as ſhall be then payable for ſalt made in England, to be levied and ſecured in the ſame manner, and with the ſame drawbacks and allowances, as in England; with this exception, that Scotland ſhall, after the ſaid ſeven years, remain exempted from the duty of two ſhillings and four-pence a buſhel on home ſalt, impoſed by an act made in England in the ninth and tenth of King William the Third of England. And if the Parliament of Great Britain ſhall, at or before the expiring of the ſaid ſeven years, ſubſtitute any other fund in place of the ſaid two ſhillings and four pence of exciſe on the buſhel of home ſalt, Scotland ſhall, after the ſaid ſeven years, bear a proportion of the ſaid fund, and have an equivalent in the terms of this treaty: and that, during the ſaid ſeven years, there ſhall be payed in England, for all ſalt made in Scotland, and imported from thence into England, the ſame duties upon importation, as ſhall be payable for ſalt made in England, to be levied and ſecured in the ſame manner as the duties on foreign ſalt are to be levied and ſecured in England. And that, after the ſaid ſeven years, how long the ſaid duty of two ſhillings and four-pence a buſhel upon ſalt is continued in England, the ſaid two ſhillings and four-pence a buſhel ſhall be payable for all ſalt made in Scotland, and imported into England, to be levied and ſecured in the ſame manner; and that, during the continuance of the duty of two ſhillings and four-pence a buſhel upon ſalt made in England, no ſalt whatſoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the ſalt, and the cattle and carriages made uſe of in bringing the ſame, and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionally for a greater or leſſer quantity; for which the carrier, as well as the owner, ſhall be liable jointly and ſeverally, and the perſons bringing or carrying the ſame to be impriſoned by any one juſtice of the peace by the ſpace of ſix months without bail, and until the penalty be payed. And for eſtabliſhing an equality in trade, that all fleſhes exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the ſeas, and proviſions for ſhips in Scotland, and for foreign voyages, may be ſalted with Scots ſalt, paying the ſame duty for what ſalt is ſo employed as the like quantity of ſuch ſalt pays in England, and under the ſame penalties, forfeitures and proviſions, for preventing of frauds, as are mentioned in the laws of England: And that, from and after the Union, the laws and acts of parliament in Scotland, for pineing, curing and packing of herrings, white fiſh and ſalmond for exportation with foreign ſalt only, without any mixture of Britiſh or Iriſh ſalt, and for preventing of frauds in curing and packing of fiſh, be continued in force in Scotland, ſubject to ſuch alterations as ſhall be made by the Parliament of Great Britain; and that all fiſh exported from Scot-

land to parts beyond the ſeas, which ſhall be cured with foreign ſalt only, and without mixture of Britiſh or Iriſh ſalt, ſhall have the ſame eaſes, premiums and draw-backs, as are or ſhall be allowed to ſuch perſons as export the like fiſh from England: and that, for encouragement of the herring fiſhing, there ſhall be allowed and payed to the ſubjects, inhabitants of Great Britain, during the preſent allowances for other fiſhes, ten ſhillings and five-pence ſterling for every barrel of white herrings which ſhall be exported from Scotland; and that there ſhall be allowed five ſhillings ſterling for every barrel of beef or pork ſalted with foreign ſalt, without mixture of Britiſh or Iriſh ſalt, and exported for ſale from Scotland to parts beyond ſea, alterable by the Parliament of Great Britain. And if any matters or fraud relating to the ſaid duties on ſalt ſhall hereafter appear, which are not ſufficiently provided againſt by this article, the ſame ſhall be ſubject to ſuch further proviſions as ſhall be thought fit by the Parliament of Great Britain. IX. That, whenever the ſum of one million nine hundred ninety-ſeven thouſand, ſeven hundred and ſixty-three pounds, eight ſhillings and four-pence half-penny ſhall be enacted by the Parliament of Great Britain, to be raiſed in that part of the united kingdom now called England, on land, and other things uſually charged in acts of parliament there, for granting an aid to the crown by a land tax, that part of the united kingdom now called Scotland ſhall be charged, by the ſame act, with a further ſum of forty-eight thouſand pounds free of all charges, as the quota of Scotland to ſuch tax, and ſo proportionally for any greater or leſſer ſum raiſed in England by any tax on land, and other things uſually charged together with the land; and that ſuch quota for Scotland, in the caſes aforeſaid, be raiſed and collected in the ſame manner as the ceſs now is in Scotland; but ſubject to ſuch regulations in the manner of collecting, as ſhall be made by the Parliament of Great Britain. X. That, during the continuance of the reſpective duties on ſtampt paper, vellum and parchment, by ſeveral acts now in force in England, Scotland ſhall not be charged with the ſame reſpective duties. XI. That, during the continuance of the duties payable in England on windows and lights, which determines on the firſt day of Auguſt, one thouſand ſeven hundred and ten, Scotland ſhall not be charged with the ſame duties. XII. That, during the continuance of the duties payable in England on coals, culm and cinders, which determines the thirtieth day of September one thouſand ſeven hundred and ten, Scotland ſhall not be charged therewith for coals, culm, and cinders, conſumed there, but ſhall be charged with the ſame duties as in England for all coal, culm and cinders, not conſumed in Scotland. XIII. That, during the continuance of the duty payable in England on malt, which determines the twenty-fourth day of June, one thouſand ſeven hundred and ſeven, Scotland ſhall not be charged with that duty. XIV. That the kingdom of Scotland be not charged with any other

duties laid on by the Parliament of England before the Union, except those conſented to in this treaty, in regard it is agreed, that all neceſſary proviſion ſhall be made by the Parliament of Scotland for the publick charge and ſervice of that kingdom, for the year one thouſand ſeven hundred and ſeven; provided, nevertheleſs, that, if the Parliament of England ſhall think fit to lay any further impoſitions, by way of cuſtoms, or ſuch exciſes, with which, by virtue of this treaty, Scotland is to be charged equally with England, in ſuch caſe, Scotland ſhall be liable to the ſame cuſtoms and exciſes, and have an equivalent to be ſettled by the Parliament of Great Britain; with this further proviſion, that any malt to be made and conſumed in that part of the united kingdom now called Scotland, ſhall not be charged with any impoſition upon malt during this preſent war; and ſeing it cannot be ſuppoſed, that the Parliament of Great Britain will ever lay any ſorts of burdens upon the united kingdom, but what they ſhall find of neceſſity at that time for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the united kingdom; therefore it is agreed, that there be no further exemption inſiſted upon for any part of the united kingdom, but that the conſideration of any exemptions, beyond what are already agreed on in this treaty, ſhall be left to the determination of the Parliament of Great Britain. XV. Whereas, by the terms of this treaty, the ſubjects of Scotland, for preſerving an equality of trade throughout the united kingdom, will be liable to ſeveral cuſtoms and exciſes now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union; it is agreed, that Scotland ſhall have an equivalent for what the ſubjects thereof ſhall be ſo charged towards payment of the ſaid debts of England in all particulars whatſoever, in manner following, viz. That, before the Union of the ſaid kingdoms, the ſum of three hundred ninety-eight thouſand and eighty-five pounds ten ſhillings be granted to her Majeſty, by the Parliament of England, for the uſes after-mentioned, being the equivalent to be anſwered to Scotland, for ſuch parts of the ſaid cuſtoms and exciſes upon all exciſeable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the ſaid debts of England, according to the proportions which the preſent cuſtoms in Scotland, being thirty thouſand pounds *per annum*, do bear to the cuſtoms in England, computed at one million three hundred forty-one thouſand five hundred and fifty-nine pounds *per annum*, and which the preſent exciſes on exciſeable liquors in Scotland, being thirty-three thouſand and five hundred pounds *per annum*, do bear to the exciſes on exciſeable liquors in England, computed at nine hundred forty-ſeven thouſand ſix hundred and two pounds *per annum*, which ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings ſhall be due and payable from the time of the Union. And in re-

gard that, after the Union, Scotland becoming liable to the ſame cuſtoms and duties payable on import and export, and to the ſame exciſes on all exciſeable liquors as in England, as well upon that account, as upon the account of the increaſe of trade and people (which will be the happy conſequence of the Union), the ſaid revenues will much improve beyond the before-mentioned annual values thereof, of which no preſent eſtimate can be made; yet nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent anſwered to Scotland; it is agreed, that, after the Union, there ſhall be an account kept of the ſaid duties ariſing in Scotland, to the end it may appear, what ought to be anſwered to Scotland, as an equivalent, for ſuch proportion of the ſaid increaſe, as ſhall be applicable to the payment of the debts of England. And for the further and more effectual anſwering the ſeveral ends hereafter-mentioned; it is agreed, that, from and after the Union, the whole increaſe of the revenues of cuſtoms and duties on import and export, and exciſe upon exciſeable liquors in Scotland, over and above the annual produce of the ſaid reſpective duties as above ſtated, ſhall go and be applied, for the term of ſeven years, to the uſes hereafter-mentioned, and that, upon the ſaid account, there ſhall be anſwered to Scotland annually, from the end of ſeven years after the Union, an equivalent, in proportion to ſuch part of the ſaid increaſe as ſhall be applicable to the debts of England; and generally, that an equivalent ſhall be anſwered to Scotland, for ſuch parts of the Engliſh debts as Scotland may hereafter become liable to pay by reaſon of the Union, other than ſuch, for which appropriations have been made by Parliament of England, of the cuſtoms or other duties on export and import, exciſes on all exciſeable liquors, in reſpect of which debts, equivalents are herein before provided: And as for the uſes, to which the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings to be granted as aforeſaid, and all other moneys which are to be anſwered or allowed to Scotland as ſaid is, are to be applied; it is agreed, that in the firſt place, out of the foreſaid ſum, what conſideration ſhall be found neceſſary to be had for any loſſes, which private perſons may ſuſtain, by reducing the coin of Scotland to the ſtandart and value of the coin of England, may be made good: in the next place, that the capital ſtock or fund of the African and Indian Company of Scotland advanced, together with the intereſt for the ſaid capital ſtock after the rate of five *per cent. per annum*, from the reſpective times of the payment thereof, ſhall be payed; upon payment of which capital ſtock and intereſt, it is agreed the ſaid Company be diſſolved and ceaſe; and alſo, that, from the time of paſſing the act of Parliament in England, for raiſing the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings, the ſaid Company ſhall neither trade, nor grant licence to trade, providing, that, if the ſaid ſtock and intereſt

ſhall not be payed in twelve months after the commencement of the Union, that then the ſaid Company may, from thenceforeward, trade, or give licence to trade, until the ſaid hail capital ſtock and intereſt ſhall be payed: and as to the overplus of the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings, after payment of what conſiderations ſhall be had for loſſes in repairing the coin, and paying the ſaid capital ſtock and intereſt; and alſo the hail increaſe of the ſaid revenues of cuſtoms, duties and exciſes above the preſent value, which ſhall ariſe in Scotland, during the ſaid term of ſeven years, together with the equivalent which ſhall become due upon the improvement thereof in Scotland after the ſaid term; and alſo, as to all other ſums, which, according to the agreements aforeſaid, may become payable to Scotland by way of equivalent, for what that kingdom ſhall hereafter become liable towards payment of the debt of England; it is agreed, that the ſame be applied in manner following, viz. That all the publick debts of the kingdom of Scotland, as ſhall be adjuſted by this preſent Parliament, ſhall be payed; and that two thouſand pounds *per annum*, for the ſpace of ſeven years, ſhall be applied towards encouraging and promoting the manufacture of coarſe wooll, within theſe ſhires which produce the wooll, and that the firſt two thouſand pounds ſterling be payed at Martinmaſs next, and ſo yearly at Martinmaſs during the ſpace foreſaid; and afterwards, the ſame ſhall be wholly applied towards encouraging and promoting the fiſheries, and ſuch other manufactures and improvements in Scotland, as may moſt conduce to the general good of the united kingdom. And it is agreed, that her Majeſty be impowered to appoint Commiſſioners, who ſhall be accountable to the Parliament of Great Britain, for diſpoſing the ſaid ſum of three hundred ninety-eight thouſand and eighty-five pounds ten ſhillings, and all other moneys which ſhall ariſe to Scotland upon the agreements aforeſaid, to the purpoſes before-mentioned; which Commiſſioners ſhall be impowered to call for, receive, and diſpoſe of the ſaid moneys in manner aforeſaid, and to inſpect the books of the ſeveral Collectors of the ſaid revenues, and of all other duties from whence an equivalent may ariſe; and that the Collectors and Managers of the ſaid revenues and duties be obliged to give to the ſaid Commiſſioners ſubſcribed authentick abbreviates of the produce of ſuch revenues and duties ariſing in their reſpective diſtricts; and that the ſaid Commiſſioners ſhall have their office within the limits of Scotland, and ſhall in ſuch office keep books, containing accounts of the amount of the equivalents, and how the ſame ſhall have been diſpoſed of, from time to time, which may be inſpected by any of the ſubjects who ſhall deſire the ſame. XVI. That, from and after the Union, the coin ſhall be of the ſame ſtandart and value throughout the united kingdom, as now in England, and a mint ſhall be continued in Scotland, under the ſame rules as the mint in England: And the preſent officers of the

the mint continued, ſubject to ſuch regulations and alterations as her Majeſty, her heirs or ſucceſſors, or the Parliament of Great Britain, ſhall think fit. XVII. That, from and after the Union, the ſame weights and meaſures ſhall be uſed throughout the united kingdom, as are now eſtabliſhed in England, and ſtandarts of weights and meaſures ſhall be kept by thoſe burrows in Scotland, to whom the keeping the ſtandarts of weights and meaſures, now in uſe there, does of ſpecial right belong; all which ſtandarts ſhall be ſent down to ſuch reſpective burrows, from the ſtandarts kept in the Exchequer at Weſtminſter, ſubject nevertheleſs to ſuch regulations as the Parliament of Great Britain ſhall think fit. XVIII. That the laws concerning regulation of trade, cuſtoms, and ſuch exciſes, to which Scotland is, by virtue of this treaty, to be liable, be the ſame in Scotland, from and after the Union, as in England; and that all other laws, in uſe within the kingdom of Scotland, do, after the Union, and notwithſtanding thereof, remain in the ſame force as before (except ſuch as are contrary to, or inconſiſtent with this treaty) but alterable by the Parliament of Great Britain, with this difference betwixt the laws concerning publick right, policy and civil government, and thoſe which concern private right, that the laws which concern publick right, policy and civil government may be made the ſame throughout the whole united kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the ſubjects within Scotland. XIX. That the Court of Seſſion, or College of Juſtice, do, after the Union, and notwithſtanding thereof, remain in all time coming within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union, ſubject nevertheleſs to ſuch regulations, for the better adminiſtration of juſtice, as ſhall be made by the Parliament of Great Britain; and that hereafter none ſhall be named by her Majeſty, or her royal ſucceſſors, to be ordinary Lords of Seſſion, but ſuch who have ſerved in the College of Juſtice as Advocates, or principal Clerks of Seſſion, for the ſpace of five years, or as Writers to the Signet, for the ſpace of ten years, with this proviſion, that no Writers to the Signet be capable to be admitted a Lord of the Seſſion, unleſs he undergo a private and publick tryal on the civil law, before the Faculty of Advocates, and be found by them qualified for the ſaid office, two years before he be named to be a Lord of the Seſſion, yet ſo as the qualifications made or to be made for capacitating perſons to be named Ordinary Lords of Seſſion may be altered by the Parliament of Great Britain. And that the Court of Juſticiary do alſo, after the Union, and notwithſtanding thereof, remain, in all time coming, within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union, ſubject nevertheleſs to ſuch regulations as ſhall be made by the Parliament of Great Britain, and without prejudice

prejudice of other rights of juſticiary: And that all Admiralty juriſdictions be under the Lord High Admiral, or Commiſſioners for the Admiralty, of Great Britain for the time being; and that the court of Admiralty now eſtabliſhed in Scotland be continued; and that all reviews, reductions or ſuſpenſions of the ſentences in maritime caſes, competent to the juriſdiction of that court, remain in the ſame manner after the Union as now in Scotland, until the Parliament of Great Britain ſhall make ſuch regulations and alterations as ſhall be judged expedient for the whole united kingdom; ſo as there be alwiſe continued in Scotland a Court of Admiralty, ſuch as in England, for determination of all maritime caſes relative to private rights in Scotland competent to the juriſdiction of the Admiralty Court, ſubject nevertheſs to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain; and that the heretable rights of Admiralty, and Vice-Admiralties in Scotland, be reſerved to the reſpective proprietors, as rights of property, ſubject nevertheleſs, as to the manner of exerciſing ſuch heretable rights, to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain: And that all other courts, now in being within the kingdom of Scotland, do remain, but ſubject to alterations by the Parliament of Great Britain: And that all inferior courts within the ſaid limits do remain ſubordinate, as they are now, to the ſupreme courts of juſtice within the ſame, in all time coming; and that no cauſes in Scotland be cognoſcible by the Court of Chancery, Queen's Bench, Common Pleas, or any other court in Weſtminſter-hall; and that the ſaid courts, or any other of the like nature, after the Union, ſhall have no power to cognoſce, review, or alter the acts or ſentences of the judicatures within Scotland, or ſtop the execution of the ſame; and that there be a Court of Exchequer in Scotland, after the Union, for deciding queſtions concerning the revenues of Cuſtoms and Exciſes there, having the ſame power and authority in ſuch caſes, as the Court of Exchequer has in England; and that the ſaid Court of Exchequer in Scotland have power of paſſing ſignatures, gifts, tutories, and in other things, as the Court of Exchequer at preſent in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be ſettled by the Parliament of Great Britain in Scotland after the Union: And that, after the Union, the Queen's Majeſty and her royal ſucceſſors may continue a Privy Council in Scotland, for preſerving of publick peace and order, until the Parliament of Great Britain ſhall think fit to alter it, or eſtabliſh any other effectual method for that end. XX. That all heretable offices, ſuperiorities, heretable juriſdictions, offices for life, and juriſdictions for life, be reſerved to the owners thereof, as rights of property, in the ſame manner as they are now enjoyed by the laws of Scotland, notwithſtanding of this Treaty. XXI. That the rights and privileges of the royal

burrows in Scotland, as they now are, do remain intire after the Union, and notwithſtanding thereof. XXII. That, by virtue of this Treaty, of the Peers of Scotland at the time of the Union, ſixteen ſhall be the number to ſit and vote in the Houſe of Lords, and forty-five the number of the repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain: And that, when her Majeſty, her heirs or ſucceſſors, ſhall declare her or their pleaſure, for holding the firſt or any ſubſequent Parliament of Great Britain, until the Parliament of Great Britain ſhall make further proviſion therein, a writ do iſſue under the Great-ſeal of the united kingdom, directed to the Privy Council of Scotland, commanding them to cauſe ſixteen Peers, who are to ſit in the Houſe of Lords, to be ſummoned to Parliament, and forty-five Members to be elected, to ſit in the Houſe of Commons of the Parliament of Great Britain, according to the agreement in this Treaty, in ſuch manner as by a ſubſequent act of this preſent ſeſſion of the Parliament of Scotland ſhall be ſettled; which act is hereby declared to be as valid, as if it were a part of, and ingroſſed in, this treaty; and that the names of the perſons, ſo ſummoned and elected, ſhall be returned by the Privy Council of Scotland, into the court from whence the ſaid writ did iſſue; and that if her Majeſty, on or before the firſt day of May next, on which day the Union is to take place, ſhall declare under the Great ſeal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhould be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England, then the ſaid Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhall be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England: And her Majeſty may, by her royal proclamation under the Great-ſeal of Great Britain, appoint the ſaid firſt Parliament of Great Britain to meet at ſuch time and place as her Majeſty ſhall think fit, which time ſhall not be leſs than fifty days after the date of ſuch proclamation; and the time and place of the meeting of ſuch Parliament being ſo appointed, a writ ſhall be immediately iſſued under the Great-ſeal of Great Britain, directed to the Privy Council of Scotland, for the ſummoning the ſixteen Peers, and for electing forty-five Members, by whom Scotland is to be repreſented in the Parliament of Great Britain; and the Lords of Parliament of England, and the ſixteen Peers of Scotland, ſuch ſixteen Peers being ſummoned and returned in the ſame manner agreed in this Treaty; and the Members of the Houſe of Commons of the ſaid Parliament of England, and the forty-five Members for Scotland, ſuch forty-five Members being elected and returned in the manner agreed in this Treaty, ſhall aſſemble and meet reſpectively in their reſpective Houſes of the Parliament of Great Britain, at ſuch time and place as ſhall be ſo appointed by her Majeſty,

and ſhall be the two Houſes of the firſt Parliament of Great Britain: And that Parliament may continue for ſuch time only as the preſent Parliament of England might have continued, if the Union of the two kingdoms had not been made, unleſs ſooner diſſolved by her Majeſty: And that every one of the Lords of Parliament of Great Britain, and every Member of the Houſe of Commons of the Parliament of Great Britain, in the firſt and all ſucceeding Parliaments of Great Britain, until the Parliament of Great Britain ſhall otherways direct, ſhall take the reſpective oaths appointed to be taken inſtead of the oaths of allegiance and ſupremacy, by an act of Parliament made in England, in the firſt year of the reign of the late King William and Queen Mary, intituled, "An act for the abrogat-"ing of the oaths of Supremacy and Allegiance, and appointing other oaths;" and make, ſubſcribe, and audibly repeat, the declaration mentioned in an act of Parliament made in England, in the thirteenth year of the reign of King Charles the Second, intituled, "An act for the more effectual preſerving the King's "perſon and government, by diſabling Papiſts from ſitting in either Houſes of "Parliament;" and ſhall take and ſubſcribe the oath mentioned in an act of Parliament made in England, in the firſt year of her Majeſty's reign, intituled, "An act to declare the alterations in the oath appointed to be taken by the act," "intituled, An act for the further ſecurity of his Majeſty's perſon, and the "ſucceſſion of the Crown in the Proteſtant line, and for extinguiſhing the hopes "of the pretended Prince of Wales, and all other pretenders, and their open "and ſecret abettors, and for declaring the Aſſociation to be determined;" at ſuch time, and in ſuch manner, as the members of both Houſes of Parliament of England are, by the ſaid reſpective acts, directed to take, make, and ſubſcribe the ſame, upon the penalties and diſabilities in the ſaid reſpective acts contained. And it is declared and agreed, that theſe words, "This realm, the crown "of this realm, and the Queen of this realm," mentioned in the oaths and declaration contained in the aforeſaid acts, which were intended to ſignify the crown and realm of England, ſhall be underſtood of the crown and realm of Great Britain; and that, in that ſenſe, the ſaid oaths and declaration be taken and ſubſcribed by the Members of both Houſes of the Parliament of Great Britain.

XXIII. That the foreſaid ſixteen Peers of Scotland, mentioned in the laſt preceding article, to ſit in the Houſe of Lords of the Parliament of Great Britain, ſhall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Great Britain ſhall have after the Union, and particularly the right of ſitting upon the trials of Peers; and in caſe of the trial of any peer in time of adjournment or prorogation of Parliament, the ſaid ſixteen Peers ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trial, as any other Peers of Great Britain. And that in caſe any

trials of Peers ſhall hereafter happen when there is no Parliament in being, the ſixteen Peers of Scotland, who ſate in the laſt preceding Parliament, ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trials, as any other Peers of Great Britain. And that all Peers of Scotland, and their ſucceſſors to their honours and dignities, ſhall, from and after the Union, be Peers of Great Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union, and ſhall be tried as Peers of Great Britain, and ſhall enjoy all privileges of Peers as fully as the Peers of England do now, or as they or any other Peers of Great Britain may hereafter enjoy the ſame, except the right and privilege of ſitting in the Houſe of Lords, and the privileges depending thereon, and particularly the right of ſitting upon the trials of Peers. XXIV. That, from and after the Union, there be one Great-ſeal for the united kingdom of Great Britain, which ſhall be different from the Great-ſeal now uſed in either kingdom; and that the quartering the arms, and the rank and precedency of the Lyon King of Arms of the kingdom of Scotland, as may beſt ſuit the Union, be left to her Majeſty; and that, in the mean time, the Great-ſeal of England be uſed as the Great-ſeal of the united kingdom, and that the Great-ſeal of the united kingdom be uſed for ſealing writs to elect and ſummon the parliament of Great Britain, and for ſealing all treaties with foreign princes and ſtates, and all publick acts, inſtruments, and orders of ſtate, which concern the whole united kingdom, and in all other matters relating to England, as the Great-ſeal of England is now uſed; and that a ſeal in Scotland, after the Union, be always kept and made uſe of in all things relating to private rights or grants, which have uſually paſſed the Great-ſeal of Scotland, and which only concern offices, grants, commiſſions, and private rights within that kingdom; and that, until ſuch ſeal ſhall be appointed by her Majeſty, the preſent Great-ſeal of Scotland ſhall be uſed for ſuch purpoſes; and that the Privy-ſeal, Signet, Caſſet, Signet of the Juſticiary Court, Quarter-ſeal, and ſeals of court now uſed in Scotland, be continued; but that the ſaid ſeals be altered, and adapted to the ſtate of the Union, as her Majeſty ſhall think fit: And the ſaid ſeals, and all of them, and the keepers of them, ſhall be ſubject to ſuch regulations as the Parliament of Great Britain ſhall hereafter make: And that the crown, ſceptre, and ſword of ſtate, the records of parliament, and all other records, rolls and regiſters whatſoever, both publick and private, general and particular, and warrants thereof, continue to be keeped as they are within that part of the united kingdom now called Scotland, and that they ſhall ſo remain in all time coming, notwithſtanding of the Union. XXV. That all laws and ſtatutes in either kingdom, ſo far as they are contrary

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to, or inconſiſtent with the terms of theſe articles, or any one of them, ſhall, from and after the Union, ceaſe and become void, and ſhall be ſo declared to be by the reſpective Parliaments of the ſaid kingdoms.

Follows the tenor of the foreſaid Act for ſecuring the Proteſtant Religion and Preſbyterian Church-Government.

OUR SOVEREIGN LADY and the Eſtates of Parliament conſidering, That, by the late Act of Parliament for a Treaty with England, for an Union of both kingdoms, it is provided, that the Commiſſioners for that Treaty ſhould not treat of or concerning any alteration of the Worſhip, Diſcipline, and Government of the Church of this kingdom, as now by law eſtabliſhed: which Treaty being now reported to the Parliament, and it being reaſonable and neceſſary, that the true Proteſtant Religion, as preſently profeſſed within this kingdom, with the Worſhip, Diſcipline, and Government of this Church, ſhould be effectually and unalterably ſecured; therefore her Majeſty, with advice and conſent of the ſaid Eſtates of Parliament, doth hereby eſtabliſh and confirm the ſaid true Proteſtant Religion, and the Worſhip, Diſcipline, and Government of this Church, to continue without any alteration to the people of this land in all ſucceeding generations; and more eſpecially, her Majeſty, with advice and conſent foreſaid, ratifies, approves, and for ever confirms, the fifth Act of the firſt Parliament of King William and Queen Mary, intituled, "Act ratifying the Confeſſion of Faith, "and ſettling Preſbyterian Church Government," with the haill other Acts of Parliament relating thereto, in proſecution of the declaration of the Eſtates of this kingdom, containing the claim of right, bearing date the eleventh of April, one thouſand ſix hundred and eighty-nine; and her Majeſty, with advice and conſent foreſaid, expreſly provides and declares, that the foreſaid true Proteſtant Religion, contained in the above-mentioned Confeſſion of Faith, with the form and purity of Worſhip preſently in uſe within this Church, and its Preſbyterian Church Government and Diſcipline, that is to ſay, the Government of the Church by Kirk Seſſions, Preſbyteries, Provincial Synods, and General Aſſemblies, all eſtabliſhed by the foreſaid Acts of Parliament, purſuant to the claim of right, ſhall remain and continue unalterable; and that the ſaid Preſbyterian Government ſhall be the only Government of the Church within the kingdom of Scotland. And further, for the greater ſecurity of the foreſaid Proteſtant Religion, and of the Worſhip, Diſcipline, and Government of this Church as above eſtabliſhed, her Majeſty, with advice and conſent foreſaid, ſtatutes and ordains, that the Univerſities and Colleges of St. Andrew's, Glaſgow, Aberdeen, and Edinburgh, as now eſtabliſhed by law, ſhall continue within this kingdom for ever. And that, in all time coming, no Profeſſors, Principals, Regents, Maſters, or others, bearing office in any Univerſity, College or School within this king-

dom, be capable, or be admitted or allowed to continue in the exerciſe of their ſaid functions, but ſuch as ſhall own and acknowledge the Civil Government in manner preſcribed, or to be preſcribed by the Acts of Parliament. As alſo, that before, or at their admiſſions, they do and ſhall acknowledge and profeſs, and ſhall ſubſcribe to the foreſaid Confeſſion of Faith, as the Confeſſion of their Faith; and that they will practiſe and conform themſelves to the Worſhip preſently in uſe in this Church, and ſubmit themſelves to the Government and Diſcipline thereof, and never endeavour, directly or indirectly, the prejudice or ſubverſion of the ſame; and that before the reſpective Preſbyteries of their bounds, by whatſoever gift, preſentation, or proviſion, they may be thereto provided. And further, her Majeſty, with advice foreſaid, expreſly declares and ſtatutes, that none of the ſubjects of this kingdom ſhall be liable to, but all and every one of them for ever free of any oath, teſt or ſubſcription within this kingdom, contrary to, or inconſiſtent with, the foreſaid true Proteſtant Religion and Preſbyterian Church Government, Worſhip, and Diſcipline as above eſtabliſhed; and that the ſame, within the bounds of this Church and Kingdom, ſhall never be impoſed upon, or required of them in any ſort. And, laſtly, that after the deceaſe of her preſent Majeſty (whom God long preſerve), the Sovereign ſucceeding to her in the Royal Government of the kingdom of Great-Britain ſhall, in all time coming, at his or her acceſſion to the Crown, ſwear and ſubſcribe, that they ſhall inviolably maintain and preſerve the foreſaid Settlement of the true Proteſtant Religion, with the Government, Worſhip, Diſcipline, Right, and Privileges of this Church, as above eſtabliſhed by the laws of this kingdom, in proſecution of the claim of right. And it is hereby ſtatute and ordained, that this Act of Parliament, with the eſtabliſhment therein contained, ſhall be held and obſerved, in all time coming, as a fundamental and eſſential condition of any Treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any ſort, for ever. As alſo, that this Act of Parliament, and Settlement therein contained, ſhall be inſert and repeated in any Act of Parliament that ſhall paſs, for agreeing and concluding the foreſaid Treaty or Union betwixt the two kingdoms; and that the ſame ſhall be therein expreſly declared to be a fundamental and eſſential condition of the ſaid Treaty or Union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above-written, her Majeſty, with advice and conſent foreſaid, ſtatutes, enacts and ordains to be, and continue, in all time coming, the ſure and perpetual foundation of a compleat and intire Union of the two kingdoms of Scotland and England, under this expreſs condition and proviſion, that the approbation and ratification of the foreſaid Articles and Act ſhall be no ways binding on this kingdom, until the ſaid Articles and Act be ratified,

fied, approven and confirmed by her Majeſty, with and by the authority of the Parliament of England, as they are now agreed to, approven and confirmed by her Majeſty, with and by the authority of the Parliament of Scotland. Declaring nevertheleſs, that the Parliament of England may provide for the ſecurity of the Church of England as they think expedient, to take place within the bounds of the ſaid kingdom of England, and not derogating from the ſecurity above provided, for eſtabliſhing of the Church of Scotland within the bounds of this kingdom. As alſo, the ſaid Parliament of England may extend the additions and other proviſions contained in the articles of Union, as above inſert, in favours of the ſubjects of Scotland, to and in favours of the ſubjects of England, which ſhall not ſuſpend or derogate from the force and effect of this preſent ratification, but ſhall be underſtood as herein included, without the neceſſity of any new ratification in the Parliament of Scotland. And, laſtly, her majeſty enacts and declares, that all laws and ſtatutes in this kingdom, ſo far as they are contrary to, or inconſiſtent with, the terms of theſe Articles as above-mentioned, ſhall, from and after the Union, ceaſe and become void.

Follows the Exemplification under the Great-Seal of England, *of the Act of the Parliament of that Kingdom, intituled,* An Act for an Union of the Two Kingdoms of ENGLAND and SCOTLAND, *as the ſame was tranſmitted to the Parliament of* Scotland, *and ordered to be recorded.*

ANNA, Dei gratia, Anglie, Scocie, Francie, et Hiþernie Regina, Fidei Defenſor, &c. Omnibus ad quos preſentes litere pervenerint ſalutem: Inſpeximus quoddam breve noſtrum de certiorand. e cur. Cancellar. noſtre nuper emanan. dilecto et fideli noſtro Matheo Johnſon, Armigero, Clerico Parliamentorum noſtrorum direct. una cum quodam retorno ſive indorſamento in dorſo ejuſdem brevis indorſato et inſerto in dictam Cancellar. noſtram retornatum et in filaciis iþm de recordo reſiden. in hec verba, ANNA, Dei Gra. Angl. Scoc. Franc. et Hiþnie Regina, Fidei Defenſor, &c. Dilco. ſibi Matheo Johnſon, Ar. Clico. Parliamentor. ſuor. ſaltm. Volentes certis de cauſis certiorari ſuper tenorem cujuſdem Actus in inſtanti Parliamento noſtro apud Weſtm. fact. et ordinat. intitulat. "An Act for an Union of the two Kingdoms of England and Scotland," vobis mandamus quod tenorem Actus predict. cum omnibus ill. tangentibus nobis in Cancellar. nram. ſub Sigillo vro. diſtincte et aperte ſine dilone. mittatis et hoc bre. Teſte meipa. apud Weſtm. ſexto die Martii anno Rnj. nri. quinto. Wrighte. Executio hujus bris. patet in quadam ſchedula huic bri. annex. prout interius mihi precipitur Math. Johnſon, Cler. Parliamentor. Inſpeximus etiam ſchedulam premenconatum continentem tenorem Actus predict. eidemque brevi annex. manu et ſigillo Mathei Johnſon ſignat. et ſigillat. in Cancellar. nram predictiam

ſilit,

filit. retornat. et in filaciis ibm. de recordo quoq; reſiden. in hec verba: In Parliament. inchoat. apud Weſtmonaſter. decimo quarto die Junii, anno Domini milleſimo ſeptingenteſimo quinto annoque regni ſereniſſime Dne. nre. ANNE, Dei grat. Angl. Scot. Franc. et Hibnie. Regin. Fidei Defenſor, &c. quarto, communi omniũ Dnor. tam Spialiũ quam Temporal. et Communitis. &c. conſenſu et regie Majeſtatis aſſenſu (inter alia) ſancitum inactitatum et ſtabilitum fuit hoc ſequens ſtatutum, *viz.* "An Act for an Union of the two Kingdoms of England and Scot-"land," cujus quidem tenor ſequitur in his verbis: MOST GRACIOUS SOVEREIGN, Whereas Articles of Union were agreed on the twenty-ſecond day of July, in the fifth year of your Majeſties reign, by the Commiſſioners nominated on behalf of the kingdom of England, under your Majeſties Great Seal of England, bearing date at Weſtminſter the tenth day of April then laſt paſt, in purſuance of an Act of Parliament made in England, in the third year of your Majeſties reign; and the Commiſſioners nominated on the behalf of the kingdom of Scotland, under your Majeſties Great Seal of Scotland, bearing date the twenty-ſeventh day of February, in the fourth year of your Majeſties reign, in purſuance of the fourth Act of the third ſeſſion of the preſent Parliament of Scotland, to treat of and concerning an Union of the ſaid kingdoms: and whereas an Act hath paſſed in the Parliament of Scotland, at Edinburgh, the ſixteenth day of January, in the fifth year of your Majeſties reign, wherein 'tis mentioned, that the Eſtates of Parliament, conſidering the ſaid Articles of Union of the two kingdoms, had agreed to and approved of the ſaid Articles of Union, with ſome additions and explanations; and that your Majeſty, with advice and conſent of the Eſtates of Parliament, for eſtabliſhing the Proteſtant Religion, and Preſbyterian Church Government within the kingdom of Scotland, had paſſed in the ſame Seſſion of Parliament, an Act, intituled, "Act for ſecuring of "the Proteſtant Religion and Preſbyterian Church Government," which, by the tenor thereof, was appointed to be inſerted in an Act ratifying the Treaty, and expreſly declared to be a fundamental and eſſential condition of the ſaid Treaty or Union in all times coming, the tenor of which Articles, as ratified and approved of, with additions and explanations, by the ſaid Act of Parliament of Scotland, follows:

Article 1. That the two kingdoms of England and Scotland ſhall, upon the firſt day of May, which ſhall be in the year one thouſand ſeven hundred and ſeven, and for ever after, be united into one kingdom, by the name of GREAT-BRITAIN; and that the Enſigns Armorial of the ſaid United Kingdom be ſuch as her Majeſty ſhall appoint, and the Croſſes of St. George and St. Andrew be conjoined in ſuch manner as her Majeſty ſhall think fit, and uſed in all flaggs, banners, ſtandards, and enſigns, both at ſea and land.

Article

Article 2. That the ſucceſſion to the Monarchy of the United Kingdom of Great Britain, and of the dominions thereto belonging, after her moſt ſacred Majeſty, and in default of iſſue of her Majeſty, be, remain, and continue, to the moſt excellent Princeſs Sophia, Electoreſs and Dutcheſs Dowager of Hanover, and the heirs of her body, being Proteſtants, upon whom the Crown of England is ſettled by an act of Parliament made in England, in the twelfth year of the reign of his late Majeſty King William the Third, intituled, "An act for the further limitation of the Crown, and "better ſecuring the rights and liberties of the ſubject:" and that all Papiſts, and perſons marrying Papiſts, ſhall be excluded from, and for ever incapable to inherit, poſſeſs, or enjoy the Imperial Crown of Great Britain, and the dominions thereunto belonging, or any part thereof; and, in every ſuch caſe, the Crown and Government ſhall, from time to time, deſcend to, and be enjoyed by ſuch perſon, being a Proteſtant, as ſhould have inherited and enjoyed the ſame, in caſe ſuch Papiſt, or perſon marrying a Papiſt, was naturally dead, according to proviſion for the deſcent of the Crown of England, made by another act of Parliament in England, in the firſt year of the reign of their late Majeſties King William and Queen Mary, intituled, "An Act "declaring the rights and liberties of the ſubject, and ſettling the ſucceſſion of "the Crown."

Article 3. That the United Kingdom of Great Britain be repreſented by one and the ſame Parliament, to be ſtyled "The Parliament of Great Britain."

Article 4. That all the ſubjects of the United Kingdom of Great Britain ſhall, from and after the Union, have full freedom and intercourſe of trade and navigation to and from any port or place within the ſaid United Kingdom, and the dominions and plantations thereunto belonging; and that there be a communication of all other rights, privileges and advantages, which do or may belong to the ſubjects of either kingdom, except where it is otherwiſe expreſly agreed in theſe Articles.

Article 5. That all ſhips, or veſſels, belonging to her Majeſty's ſubjects of Scotland at the time of ratifying the treaty of Union of the two kingdoms in the Parliament of Scotland, though foreign built, be deemed and paſs as ſhips of the built of Great Britain: The owner, or, where there are more owners, one or more of the owners, within twelve months after the firſt of May next, making oath, that, at the time of ratifying the treaty of Union in the Parliament of Scotland, the ſame did, in whole or in part, belong to him or them, or to ſome other ſubject or ſubjects of Scotland, to be particularly named, with the place of their reſpective abodes; and that the ſame doth then, at the time of the ſaid depoſition, wholly belong to him or them; and that no foreigner, directly or indirectly, hath any ſhare,

part, or intereſt therein; which oath ſhall be made before the chief officer or officers of the cuſtoms, in the port next to the abode of the ſaid owner or owners; and the ſaid officer, or officers, ſhall be impowered to adminiſter the ſaid oath: and the oath, being ſo adminiſtred, ſhall be atteſted by the officer, or officers, who adminiſtred the ſame; and, being regiſtred by the ſaid officer or officers, ſhall be delivered to the maſter of the ſhip, for ſecurity of her navigation; and the duplicate thereof ſhall be tranſmitted, by the ſaid officer or officers, to the chief officer or officers of the Cuſtoms in the port of Edinburgh, to be there entered in a Regiſter, and from thence to be ſent to the port of London, to be there entered in the general regiſter of all trading ſhips belonging to Great Britain.

Article 6. That all parts of the United Kingdom for ever, from and after the Union, ſhall have the ſame allowances, encouragements, and drawbacks, and be under the ſame prohibitions, reſtrictions, and regulations of trade, and liable to the ſame cuſtoms and duties on import and export; and that the allowances, encouragements and drawbacks, prohibitions, reſtrictions and regulations of trade, and the cuſtoms and duties on import and export, ſettled in England, when the Union commences, ſhall, from and after the Union, take place throughout the whole United Kingdom, excepting and reſerving the duties upon export and import of ſuch particular commodities from which any perſons, the ſubjects of either kingdom, are ſpecially liberated and exempted by their private rights, which, after the Union are to remain ſafe and intire to them, in all reſpects, as before the ſame; and that, from and after the Union, no Scots cattle carried into England ſhall be liable to any other duties, either on the publick or private accounts, than thoſe duties to which the cattle of England are or ſhall be liable within the ſaid kingdom. And ſeeing, by the laws of England, there are rewards granted upon the exportation of certain kinds of grain, wherein oats grinded or ungrinded are not expreſſed, that, from and after the Union, when oats ſhall be ſold at fifteen ſhillings ſterling *per* quarter, or under, there ſhall be paid two ſhillings and ſix pence ſterling for every quarter of the oatmeal exported in the terms of the law, whereby and ſo long as rewards are granted for exportation of other grain, and that the bear of Scotland have the ſame rewards as barley. And in reſpect the importation of victual into Scotland, from any place beyond ſea, would prove a diſcouragement to tillage, therefore, that the prohibition, as now in force by the law of Scotland, againſt importation of victuals from Ireland, or any other place beyond ſea into Scotland, do, after the Union, remain in the ſame force as now it is, until more proper and effectual ways be provided by the Parliament of Great Britain, for diſcouraging the importation of the ſaid victuals from beyond ſea.

Article 7. That all parts of the United Kingdom be for ever, from and after the Union, liable to the ſame excifes upon all exciſeable liquors, excepting only,

only, that the thirty-four gallons Engliſh barrel of beer or ale, amounting to twelve gallons Scots preſent meaſure, ſold in Scotland by the brewer at nine ſhillings ſix pence ſterling, excluding all duties, and retailed, including duties and the retailer's profit, at two pence the Scots pint, or eighth part of the Scots gallon, be not, after the Union, liable, on account of the preſent exciſe upon exciſeable liquors in England, to any higher impoſition than two ſhillings ſterling upon the foreſaid thirty-four gallons Engliſh barrel, being twelve gallons the preſent Scots meaſure; and that the exciſe ſettled in England on all other liquors, when the Union commences, take place throughout the whole United Kingdom.

Article 8. That, from and after the Union, all foreign ſalt, which ſhall be imported into Scotland, ſhall be charged, at the importation there, with the ſame duties as the like ſalt is now charged with, being imported into England, and to be levied and ſecured in the ſame manner. But, in regard the duties of great quantities of foreign ſalt imported may be very heavy upon the merchants importers, that therefore all foreign ſalt imported into Scotland ſhall be cellared and locked up under the cuſtody of the merchants importers and the officers employed for levying the duties upon ſalt; and that the merchant may have what quantity thereof his occaſion may require, not under a weigh or forty buſhels at a time, giving ſecurity for the duty of what quantity he receives, payable in ſix months; but Scotland ſhall, for the ſpace of ſeven years from the ſaid Union, be exempted from paying in Scotland, for ſalt made there, the duty or exciſe now payable for ſalt made in England, but, from the expiration of the ſaid ſeven years, ſhall be ſubject and liable to the ſame duties for ſalt made in Scotland, as ſhall be then payable for ſalt made in England, to be levied and ſecured in the ſame manner, and with proportionable drawbacks and allowances, as in England; with this exception, that Scotland ſhall, after the ſaid ſeven years, remain exempted from the duty of two ſhillings and four-pence a buſhel on home ſalt, impoſed by an act made in England in the ninth and tenth of King William the Third of England. And if the Parliament of Great Britain ſhall, at or before the expiring of the ſaid ſeven years, ſubſtitute any other fund in place of the ſaid two ſhillings and four pence of exciſe on the buſhel of home ſalt, Scotland ſhall, after the ſaid ſeven years, bear a proportion of the ſaid fund, and have an equivalent in the terms of this treaty: and that, during the ſaid ſeven years, there ſhall be payed in England, for all ſalt made in Scotland, and imported from thence into England, the ſame duties upon the importation as ſhall be payable for ſalt made in England, to be levied and ſecured in the ſame manner as the duties on foreign ſalt are to be levied and ſecured in England. And that, after the ſaid ſeven years, as long as the ſaid duty of two ſhillings and four-pence a buſhel upon ſalt is continued in

England, the ſaid two ſhillings and four-pence a buſhel ſhall be payable for all ſalt made in Scotland, and imported into England, to be levied and ſecured in the ſame manner; and that, during the continuance of the duty of two ſhillings and four-pence a buſhel upon ſalt made in England, no ſalt whatſoever be brought from Scotland to England by land in any manner, under the penalty of forfeiting the ſalt, and the cattle and carriages made uſe of in bringing the ſame and paying twenty ſhillings for every buſhel of ſuch ſalt, and proportionably for a greater or leſſer quantity; for which the carrier, as well as the owner, ſhall be liable jointly and ſeverally, and the perſons bringing or carrying the ſame, to be impriſoned by any one juſtice of the peace by the ſpace of ſix months, without bail, and until the penalty be payed. And, for eſtabliſhing an equality in trade, that all fleſh exported from Scotland to England, and put on board in Scotland, to be exported to parts beyond the ſeas, and proviſion for ſhips in Scotland, and for foreign voyages, may be ſalted with Scots ſalt, paying the ſame duty for what ſalt is ſo employed as the like quantity of ſuch ſalt pays in England, and under the ſame penalties, forfeitures and proviſions, for preventing of frauds, as are mentioned in the laws of England: And that, from and after the Union, the laws and acts of parliament in Scotland, for pineing, curing, and packing of herrings, white fiſh, and ſalmond, for exportation with foreign ſalt only, without any mixture of Britiſh or Iriſh ſalt, and for preventing of frauds in curing and packing of fiſh, be continued in force in Scotland, ſubject to ſuch alterations as ſhall be made by the Parliament of Great Britain; and that all fiſh exported from Scotland to parts beyond the ſeas, which ſhall be cured with foreign ſalt only, and without mixture of Britiſh or Iriſh ſalt, ſhall have the ſame eaſes, præmiums, and draw-backs, as are or ſhall be allowed to ſuch perſons as export the like fiſh from England: and that, for encouragement of the herring fiſhing, there ſhall be allowed and payed to the ſubjects, inhabitants of Great Britain, during the preſent allowances for other fiſh, ten ſhillings and five pence ſterling for every barrel of white herrings which ſhall be exported from Scotland; and that there ſhall be allowed five ſhillings ſterling for every barrel of beef or pork ſalted with foreign ſalt, without mixture of Britiſh or Iriſh ſalt, and exported for ſale from Scotland to parts beyond ſea, alterable by the Parliament of Great Britain. And if any matters of fraud relating to the ſaid duties on ſalt ſhall hereafter appear, which are not ſufficiently provided againſt by this article, the ſame ſhall be ſubject to ſuch further proviſions as ſhall be thought fit by the Parliament of Great Britain.

Article 9. That, whenſoever the ſum of one million nine hundred ninety-ſeven thouſand, ſeven hundred and ſixty-three pounds, eight ſhillings and four-pence half-penny, ſhall be enacted by the Parliament of Great Britain, to be raiſed in that part of the united kingdom now called England, on land, and other things uſually charged in

in acts of parliament there, for granting an aid to the Crown by a land tax, that part of the United Kingdom now called Scotland ſhall be charged, by the ſame act, with a further ſum of forty-eight thouſand pounds free of all charges, as the quota of Scotland to ſuch tax, and ſo proportionally for any greater or leſſer ſum raiſed in England by any tax on land, and other things uſually charged together with the land; and that ſuch quota for Scotland, in the caſes aforeſaid, be raiſed and collected in the ſame manner as the ceſs now is in Scotland; but ſubject to ſuch regulations, in the manner of collecting, as ſhall be made by the Parliament of Great Britain.

Article 10. That, during the continuance of the reſpective duties on ſtampt paper, vellum, and parchment, by the ſeveral acts now in force in England, Scotland ſhall not be charged with the ſame reſpective duties.

Article 11. That, during the continuance of the duties payable in England on windows and lights, which determine on the firſt day of Auguſt, one thouſand ſeven hundred and ten, Scotland ſhall not be charged with the ſame duties.

Article 12. That, during the continuance of the duties payable in England on coals, culm, and cinders, which determines the thirtieth day of September, one thouſand ſeven hundred and ten, Scotland ſhall not be charged therewith for coals, culm, and cinders, conſumed there; but ſhall be charged with the ſame duties as in England for all coal, culm, and cinders, not conſumed in Scotland.

Article 13. That, during the continuance of the duty payable in England upon malt, which determines the twenty-fourth day of June, one thouſand ſeven hundred and ſeven, Scotland ſhall not be charged with that duty.

Article 14. That the kingdom of Scotland be not charged with any other duties laid on by the Parliament of England before the Union, except thoſe conſented to in this treaty, in regard it is agreed, that all neceſſary proviſion ſhall be made by the Parliament of Scotland for the publick charge and ſervice of that kingdom, for the year one thouſand ſeven hundred and ſeven; provided, nevertheleſs, that, if the Parliament of England ſhall think fit to lay any further impoſitions, by way of cuſtoms, or ſuch exciſes, with which, by virtue of this treaty, Scotland is to be charged equally with England, in ſuch caſe, Scotland ſhall be liable to the ſame cuſtoms and exciſes, and have an equivalent to be ſettled by the Parliament of Great Britain; with this further proviſion, that any malt, to be made and conſumed in that part of the United Kingdom now called Scotland, ſhall not be charged with any impoſition on malt during this preſent war; and ſeeing it cannot be ſuppoſed that the Parliament of Great Britain will ever lay any ſort of burdens upon the United Kingdom but what they ſhall find of neceſſity at that time for the preſervation and good of the whole, and with due regard to the circumſtances and abilities of every part of the United Kingdom; therefore

therefore it is agreed, that there be no further exemption inſiſted upon for any part of the United Kingdom; but that the conſideration of any exemptions, beyond what are already agreed on in this treaty, ſhall be left to the determination of the Parliament of Great Britain.

Article 15. That whereas, by the terms of this treaty, the ſubjects of Scotland, for preſerving an equality of trade throughout the United Kingdom, will be liable to ſeveral cuſtoms and exciſes now payable in England, which will be applicable towards payment of the debts of England, contracted before the Union; it is agreed, that Scotland ſhall have an equivalent for what the ſubjects thereof ſhall be ſo charged towards payment of the ſaid debts of England in all particulars whatſoever, in manner following, viz. That, before the Union of the ſaid kingdoms, the ſum of three hundred ninety-eight thouſand and eighty-five pounds ten ſhillings be granted to her Majeſty, by the Parliament of England, for the uſes after-mentioned, being the equivalent to be anſwered to Scotland, for ſuch parts of the ſaid cuſtoms and exciſes upon all exciſeable liquors, with which that kingdom is to be charged upon the Union, as will be applicable to the payment of the ſaid debts of England, according to the proportions which the preſent cuſtoms in Scotland, being thirty thouſand pounds *per annum*, do bear to the cuſtoms in England, computed at one million three hundred forty-one thouſand five hundred and fifty-nine pounds *per annum*, and which the preſent exciſes on exciſeable liquors in Scotland, being thirty-three thouſand and five hundred pounds *per annum*, do bear to the exciſes on exciſeable liquors in England, computed at nine hundred forty-ſeven thouſand ſix hundred and two pounds *per annum*, which ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings ſhall be due and payable from the time of the Union: And in regard that, after the Union, Scotland becoming liable to the ſame cuſtoms and duties payable on import and export, and to the ſame exciſes on all exciſeable liquors as in England, as well upon that account, as upon the account of the increaſe of trade and people (which will be the happy conſequence of the Union), the ſaid revenues will much improve beyond the before-mentioned annual values thereof, of which no preſent eſtimate can be made; yet nevertheleſs, for the reaſons aforeſaid, there ought to be a proportionable equivalent anſwered to Scotland; it is agreed, that, after the Union, there ſhall be an account kept of the ſaid duties ariſing in Scotland, to the end it may appear what ought to be anſwered to Scotland as an equivalent for ſuch proportion of the ſaid increaſe as ſhall be applicable to the payment of the debts of England. And, for the further and more effectual anſwering the ſeveral ends hereafter-mentioned, it is agreed, that, from and after the Union, the whole increaſe of the revenues of cuſtoms and duties on import and export, and exciſe upon exciſeable liquors in

Scotland, over and above the annual produce of the ſaid reſpective duties as above ſtated, ſhall go and be applied, for the term of ſeven years, to the uſes hereafter-mentioned, and that, upon the ſaid account, there ſhall be anſwered to Scotland annually, from the end of ſeven years after the Union, an equivalent in proportion to ſuch part of the ſaid increaſe as ſhall be applicable to the debts of England; and, generally, that an equivalent ſhall be anſwered to Scotland for ſuch parts of the Engliſh debts as Scotland may hereafter become liable to pay by reaſon of the Union, other than ſuch for which appropriations have been made by Parliament in England, of the cuſtoms or other duties on export and import, exciſes on all exciſeable liquors, in reſpect of which debts, equivalents are herein before provided: And as for the uſes, to which the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings to be granted as aforeſaid, and all other moneys which are to be anſwered or allowed to Scotland as aforeſaid, are to be applied; it is agreed, that in the firſt place, out of the foreſaid ſum, what conſideration ſhall be found neceſſary to be had for any loſſes which private perſons may ſuſtain, by reducing the coin of Scotland to the ſtandart and value of the coin of England, may be made good: in the next place, that the capital ſtock or fund of the African and Indian Company of Scotland advanced, together with the intereſt for the ſaid capital ſtock after the rate of five *per cent. per annum*, from the reſpective times of the payment thereof, ſhall be payed; upon payment of which capital ſtock and intereſt, it is agreed the ſaid Company be diſſolved and ceaſe; and alſo, that, from the time of paſſing the act of Parliament in England, for raiſing the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings, the ſaid Company ſhall neither trade, nor grant licence to trade, providing, that, if the ſaid ſtock and intereſt ſhall not be payed in twelve months after the commencement of the Union, that then the ſaid Company may, from thenceforeward, trade, or give licence to trade, until the ſaid whole capital ſtock and intereſt ſhall be payed: and as to the overplus of the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds ten ſhillings, after payment of what conſiderations ſhall be had for loſſes in repairing the coin, and paying the ſaid capital ſtock and intereſt, and alſo the whole increaſe of the ſaid revenues of cuſtoms, duties, and exciſes, above the preſent value, which ſhall ariſe in Scotland, during the ſaid term of ſeven years, together with the equivalent which ſhall become due upon the improvement thereof in Scotland after the ſaid term; and alſo, as to all other ſums, which, according to the agreements aforeſaid, may become payable to Scotland by way of equivalent for what that kingdom ſhall hereafter become liable towards payment of the debt of England; it is agreed, that the ſame be applied in manner following, viz. That all the publick debts of the kingdom of Scotland, as ſhall be adjuſted by this

preſent

preſent Parliament, ſhall be payed; and that two thouſand pounds *per annum*, for the ſpace of ſeven years, ſhall be applied towards encouraging and promoting the manufacture of coarſe wooll within thoſe ſhires which produce the wooll, and that the firſt two thouſand pounds ſterling be payed at Martinmaſs next, and ſo yearly at Martinmaſs during the ſpace foreſaid; and, afterwards, the ſame ſhall be wholly applied towards the encouraging and promoting the fiſheries, and ſuch other manufactures and improvements in Scotland as may moſt conduce to the general good of the United Kingdom. And it is agreed, that her Majeſty be impowered to appoint Commiſſioners, who ſhall be accountable to the Parliament of Great Britain, for diſpoſing the ſaid ſum of three hundred ninety-eight thouſand and eighty-five pounds ten ſhillings, and all other moneys which ſhall ariſe to Scotland upon the agreements aforeſaid, to the purpoſes before-mentioned; which Commiſſioners ſhall be impowered to call for, receive, and diſpoſe of, the ſaid moneys in manner aforeſaid, and to inſpect the books of the ſeveral Collectors of the ſaid revenues, and of all other duties from whence an equivalent may ariſe; and that the Collectors and Managers of the ſaid revenues and duties be obliged to give to the ſaid Commiſſioners ſubſcribed authentick abbreviates of the produce of ſuch revenues and duties ariſing in their reſpective diſtricts; and that the ſaid Commiſſioners ſhall have their office within the limits of Scotland, and ſhall in ſuch office keep books, containing accounts of the amount of the equivalents, and how the ſame ſhall have been diſpoſed of, from time to time, which may be inſpected by any of the ſubjects who ſhall deſire the ſame.

Article 16. That, from and after the Union, the coin ſhall be of the ſame ſtandart and value throughout the United Kingdom as now in England, and a mint ſhall be continued in Scotland under the ſame rules as the mint in England; and the preſent officers of the mint continued, ſubject to ſuch regulations and alterations as her Majeſty, her heirs or ſucceſſors, or the Parliament of Great Britain, ſhall think fit.

Article 17. That, from and after the Union, the ſame weights and meaſures ſhall be uſed throughout the United Kingdom, as are now eſtabliſhed in England; and ſtandarts of weights and meaſures ſhall be kept by thoſe burghs in Scotland, to whom the keeping the ſtandarts of weights and meaſures, now in uſe there, does of ſpecial right belong; all which ſtandarts ſhall be ſent down to ſuch reſpective burghs, from the ſtandarts kept in the Exchequer at Weſtminſter, ſubject nevertheleſs to ſuch regulations as the Parliament of Great Britain ſhall think fit.

Article 18. That the laws concerning regulation of trade, cuſtoms, and ſuch exciſes, to which Scotland is, by virtue of this treaty, to be liable, be the ſame in Scotland, from and after the Union, as in England; and that all other laws, in uſe within the kingdom of Scotland, do, after the Union, and notwithſtanding thereof, remain in the ſame force as before (except ſuch as are contrary to, or inconſiſtent

inconſiſtent with this treaty), but alterable by the Parliament of Great Britain, with this difference betwixt the laws concerning publick right, policy, and civil government, and thoſe which concern private right, that the laws which concern publick right, policy, and civil government, may be made the ſame throughout the whole United Kingdom, but that no alteration be made in laws which concern private right, except for evident utility of the ſubject within Scotland.

Article 19. That the Court of Seſſion, or College of Juſtice, do, after the Union, and notwithſtanding thereof, remain in all time coming within Scotland as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union, ſubject nevertheleſs to ſuch regulations, for the better adminiſtration of juſtice, as ſhall be made by the Parliament of Great Britain; and that hereafter none ſhall be named by her Majeſty, or her royal ſucceſſors, to be ordinary Lords of Seſſion, but ſuch who have ſerved in the College of Juſtice as Advocates, or principal Clerks of Seſſion, for the ſpace of five years, or as Writers to the Signet, for the ſpace of ten years, with this proviſion, that no Writer to the Signet be capable to be admitted a Lord of the Seſſion, unleſs he undergo private and publick tryal on the civil law before the Faculty of Advocates, and be found by them qualified for the ſaid office, two years before he be named to be a Lord of the Seſſion, yet ſo as the qualifications made, or to be made, for capacitating perſons to be named Ordinary Lords of Seſſion, may be altered by the Parliament of Great Britain. And that the Court of Juſticiary do alſo, after the Union, and notwithſtanding thereof, remain, in all time coming, within Scotland, as it is now conſtituted by the laws of that kingdom, and with the ſame authority and privileges as before the Union, ſubject nevertheleſs to ſuch regulations as ſhall be made by the Parliament of Great Britain, and without prejudice of other rights of juſticiary: And that all Admiralty juriſdictions be under the Lord High Admiral, or Commiſſioners for the Admiralty, of Great Britain for the time being; and that the court of Admiralty now eſtabliſhed in Scotland be continued; and that all reviews, reductions, or ſuſpenſions of the ſentences in maritime caſes, competent to the juriſdiction of that court, remain in the ſame manner after the Union as now in Scotland, until the Parliament of Great Britain ſhall make ſuch regulations and alterations as ſhall be judged expedient for the whole United Kingdom; ſo as there be alwiſe continued in Scotland a Court of Admiralty, ſuch as in England, for determination of all maritime caſes relating to private rights in Scotland competent to the juriſdiction of the Admiralty Court, ſubject nevertheſs to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain; and that the heretable rights of Admiralty, and Vice-Admiralties, in Scotland, be reſerved to the re-

ſpective proprietors as rights of property, ſubject nevertheleſs, as to the manner of exerciſing ſuch heretable rights, to ſuch regulations and alterations as ſhall be thought proper to be made by the Parliament of Great Britain: And that all other courts, now in being within the kingdom of Scotland, do remain, but ſubject to alterations by the Parliament of Great Britain: And that all inferior courts within the ſaid limits do remain ſubordinate, as they are now, to the ſupreme courts of juſtice within the ſame, in all time coming; and that no cauſes in Scotland be cognoſcible by the Courts of Chancery, Queen's Bench, Common Pleas, or any other court in Weſtminſter-hall; and that the ſaid courts, or any other of the like nature, after the Union, ſhall have no power to cognoſce, review, or alter the acts or ſentences of the judicatures within Scotland, or ſtop the execution of the ſame; and that there be a Court of Exchequer in Scotland, after the Union, for deciding queſtions concerning the revenues of Cuſtoms and Exciſes there, having the ſame power and authority in ſuch caſes as the Court of Exchequer has in England; and that the ſaid Court of Exchequer in Scotland have power of paſſing ſignatures, gifts, tutories, and in other things, as the Court of Exchequer at preſent in Scotland hath; and that the Court of Exchequer that now is in Scotland do remain, until a new Court of Exchequer be ſettled by the Parliament of Great Britain in Scotland after the Union: And that, after the Union, the Queen's Majeſty and her royal ſucceſſors may continue a Privy Council in Scotland, for preſerving of publick peace and order, until the Parliament of Great Britain ſhall think fit to alter it, or eſtabliſh any other effectual method for that end.

Article 20. That all heretable offices, ſuperiorities, heretable juriſdictions, offices for life, and juriſdictions for life, be reſerved to the owners thereof, as rights of property, in the ſame manner as they are now enjoyed by the laws of Scotland, notwithſtanding this Treaty.

Article 21. That the rights and privileges of the royal burghs in Scotland, as they now are, do remain entire after the Union, and notwithſtanding thereof.

Article 22. That, by virtue of this Treaty, of the Peers of Scotland at the time of the Union, ſixteen ſhall be the number to ſit and vote in the Houſe of Lords, and forty-five the number of the repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain: And that, when her Majeſty, her heirs or ſucceſſors, ſhall declare her or their pleaſure for holding the firſt or any ſubſequent Parliament of Great Britain, until the Parliament of Great Britain ſhall make further proviſion therein, a writ do iſſue under the Great-ſeal of the United Kingdom, directed to the Privy Council of Scotland, commanding them to cauſe ſixteen Peers, who are to ſit in the Houſe of Lords,

Lords, to be ſummoned to Parliament, and forty-five Members to be elected to ſit in the Houſe of Commons of the Parliament of Great Britain, according to the agreement in this Treaty, in ſuch manner as by an act of this preſent ſeſſion of the Parliament of Scotland is or ſhall be ſettled; which act is hereby declared to be as valid as if it were a part of, and ingroſſed in, this treaty; and that the names of the perſons, ſo ſummoned and elected, ſhall be returned by the Privy Council of Scotland into the court from whence the ſaid writ did iſſue; and that if her Majeſty, on or before the firſt day of May next, on which day the Union is to take place, ſhall declare, under the Great-ſeal of England, that it is expedient, that the Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhould be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England, then the ſaid Lords of Parliament of England, and Commons of the preſent Parliament of England, ſhall be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England: And her Majeſty may, by her royal proclamation under the Great-ſeal of Great Britain, appoint the ſaid firſt Parliament of Great Britain to meet at ſuch time and place as her Majeſty ſhall think fit, which time ſhall not be leſs than fifty days after the date of ſuch proclamation; and the time and place of the meeting of ſuch Parliament being ſo appointed, a writ ſhall be immediately iſſued, under the Great-ſeal of Great Britain, directed to the Privy Council of Scotland, for the ſummoning the ſixteen Peers, and for electing forty-five Members, by whom Scotland is to be repreſented in the Parliament of Great Britain; and the Lords of Parliament of England, and the ſixteen Peers of Scotland, ſuch ſixteen Peers being ſummoned and returned in the manner agreed in this Treaty, and the Members of the Houſe of Commons of the ſaid Parliament of England, and the forty-five Members for Scotland, ſuch forty-five Members being elected and returned in the manner agreed in this Treaty, ſhall aſſemble and meet reſpectively in their reſpective Houſes of the Parliament of Great Britain, at ſuch time and place as ſhall be ſo appointed by her Majeſty, and ſhall be the two Houſes of the firſt Parliament of Great Britain; and that Parliament may continue for ſuch time only as the preſent Parliament of England might have continued, if the Union of the two kingdoms had not been made, unleſs ſooner diſſolved by her Majeſty. And that every one of the Lords of Parliament of Great Britain, and every Member of the Houſe of Commons of the Parliament of Great Britain, in the firſt and all ſucceeding Parliaments of Great Britain, until the Parliament of Great Britain ſhall otherways direct, ſhall take the reſpective oaths appointed to be taken, inſtead of the oaths of Allegiance and Supremacy, by an act of Parliament made in England, in the firſt year of the reign of the late King William and Queen Mary, intituled, "An act for the abrogat-

" ing of the oaths of Supremacy and Allegiance, and appointing other oaths;" and make, ſubſcribe, and audibly repeat, the declaration mentioned in an act of Parliament made in England, in the thirtieth year of the reign of King Charles the Second, intituled, " An act for the more effectual preſerving the King's " perſon and government, by diſabling Papiſts from ſitting in either Houſe of " Parliament;" and ſhall take and ſubſcribe the oath mentioned in an act of Parliament made in England, in the firſt year of her Majeſty's reign, intituled, " An act to declare the alterations in the oath appointed to be taken by the act, " intituled, An act for the further ſecurity of his Majeſty's perſon, and the " ſucceſſion of the Crown in the Proteſtant line, and for extinguiſhing the hopes " of the pretended Prince of Wales, and all other pretenders, and their open " and ſecret abettors, and for declaring the Aſſociation to be determined;" at ſuch time, and in ſuch manner, as the members of both Houſes of Parliament of England are, by the ſaid reſpective acts, directed to take, make, and ſubſcribe the ſame, upon the penalties and diſabilities in the ſaid reſpective acts contained. And it is declared and agreed, that theſe words, " This realm, the crown " of this realm, and the Queen of this realm," mentioned in the oaths and declaration contained in the aforeſaid acts, which were intended to ſignify the crown and realm of England, ſhall be underſtood of the crown and realm of Great Britain; and that, in that ſenſe, the ſaid oaths and declaration be taken and ſubſcribed by the Members of both Houſes of the Parliament of Great Britain.

Article 23. That the foreſaid ſixteen Peers of Scotland, mentioned, in the laſt preceding article, to ſit in the Houſe of Lords of the Parliament of Great Britain, ſhall have all privileges of Parliament which the Peers of England now have, and which they, or any Peers of Great Britain, ſhall have after the Union, and particularly the right of ſitting upon the trials of Peers: and, in caſe of the trial of any peer in time of adjournment or prorogation of Parliament, the ſaid ſixteen Peers ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trial, as any other Peers of Great Britain. And that in caſe any trials of Peers ſhall hereafter happen when there is no Parliament in being, the ſixteen Peers of Scotland, who ſate in the laſt preceding Parliament, ſhall be ſummoned in the ſame manner, and have the ſame powers and privileges at ſuch trials, as any other Peers of Great Britain. And that all Peers of Scotland, and their ſucceſſors to their honours and dignities, ſhall, from and after the Union, be Peers of Great Britain, and have rank and precedency next and immediately after the peers of the like orders and degrees in England, at the time of the Union, and before all Peers of Great Britain, of the like orders and degrees, who may be created after the Union, and ſhall be tried as Peers of Great Britain, and ſhall enjoy all privileges of Peers as fully as the Peers of England do now, or as they

or any other Peers of Great Britain may hereafter enjoy the ſame, except the right and privilege of ſitting in the Houſe of Lords, and the privileges depending thereon, and particularly the right of ſitting upon the trials of Peers.

Article 24. That, from and after the Union, there be one Great-ſeal for the United Kingdom of Great Britain, which ſhall be different from the Great-ſeal now uſed in either kingdom; and that the quartering the arms, and the rank and precedency of the Lyon King of Arms of the kingdom of Scotland, as may beſt ſuit the Union, be left to her Majeſty; and that, in the mean time, the Great-ſeal of England be uſed as the Great-ſeal of the United Kingdom, and that the Great-ſeal of the United Kingdom be uſed for ſealing writs to elect and ſummon the Parliament of Great Britain, and for ſealing all treaties with foreign princes and ſtates, and all publick acts, inſtruments, and orders of ſtate, which concern the whole United Kingdom, and in all other matters relating to England, as the Great-ſeal of England is now uſed; and that a ſeal in Scotland, after the Union, be always kept and made uſe of in all things relating to private rights or grants, which have uſually paſſed the Great-ſeal of Scotland, and which only concern offices, grants, commiſſions, and private rights, within that kingdom; and that, until ſuch ſeal ſhall be appointed by her Majeſty, the preſent Great-ſeal of Scotland ſhall be uſed for ſuch purpoſes; and that the Privy-ſeal, Signet, Caſſet, Signet of the Juſticiary Court, Quarter-ſeal, and ſeals of courts now uſed in Scotland, be continued; but that the ſaid ſeals be altered, and adapted to the ſtate of the Union, as her Majeſty ſhall think fit: And the ſaid ſeals, and all of them, and the keepers of them, ſhall be ſubject to ſuch regulations as the Parliament of Great Britain ſhall hereafter make: And that the crown, ſceptre, and ſword of ſtate, the records of Parliament, and all other records, rolls and regiſters whatſoever, both publick and private, general and particular, and warrants thereof, continue to be keeped as they are within that part of the United Kingdom now called Scotland, and that they ſhall ſo remain in all times coming, notwithſtanding the Union.

Article 25. That all laws and ſtatutes in either kingdom, ſo far as they are contrary to, or inconſiſtent with, the terms of theſe articles, or any one of them, ſhall, from and after the Union, ceaſe and become void, and ſhall be ſo declared to be by the reſpective Parliaments of the ſaid kingdoms, as by the ſaid Articles of Union ratified and approved by the ſaid act of Parliament of Scotland, relation thereunto being had, may appear; and the tenor of the aforeſaid act, for ſecuring the Proteſtant religion and Preſbyterian Church Government within the kingdom of Scotland, is as follows.

OUR SOVEREIGN LADY, and the Eſtates of Parliament, conſidering, that, by the late Act of Parliament for a Treaty with England, for an Union of both

kingdoms,

kingdoms, it is provided, that the Commiſſioners for that Treaty ſhould not treat of or concerning any alteration of the Worſhip, Diſcipline, and Government of the Church of this kingdom, as now by law eſtabliſhed, which Treaty being now reported to the Parliament, and it being reaſonable and neceſſary, that the true Proteſtant Religion, as preſently profeſſed within this kingdom, with the Worſhip, Diſcipline, and Government of this Church, ſhould be effectually and unalterably ſecured; therefore her Majeſty, with advice and conſent of the ſaid Eſtates of Parliament, doth hereby eſtabliſh and confirm the ſaid true Proteſtant Religion, and the Worſhip, Diſcipline, and Government of this Church, to continue without any alteration to the people of this land in all ſucceeding generations; and more eſpecially, her Majeſty, with advice and conſent aforeſaid, ratifies, approves, and for ever confirms, the fifth Act of the firſt Parliament of King William and Queen Mary, intituled, "Act ratifying the Confeſſion of "Faith, and ſettling Preſbyterian Church Government," with all other Acts of Parliament relating thereto, in proſecution of the declaration of the Eſtates of this kingdom, containing the claim of right, bearing date the eleventh of April, one thouſand ſix hundred and eighty-nine; and her Majeſty, with advice and conſent aforeſaid, expreſly provides and declares, that the foreſaid true Proteſtant Religion, contained in the above-mentioned Confeſſion of Faith, with the form and purity of Worſhip preſently in uſe within this Church, and its Preſbyterian Church Government and Diſcipline, that is to ſay, the Government of the Church by Kirk Seſſions, Preſbyteries, Provincial Synods, and General Aſſemblies, all eſtabliſhed by the foreſaid Acts of Parliament, purſuant to the claim of right, ſhall remain and continue unalterable; and that the ſaid Preſbyterian Government ſhall be the only Government of the Church within the kingdom of Scotland. And further, for the greater ſecurity of the foreſaid Proteſtant Religion, and of the Worſhip, Diſcipline, and Government of this Church as above eſtabliſhed, her Majeſty, with advice and conſent foreſaid, ſtatutes and ordains, that the Univerſities and Colleges of St. Andrew's, Glaſgow, Aberdeen, and Edinburgh, as now eſtabliſhed by law, ſhall continue within this kingdom for ever. And that, in all time coming, no Profeſſors, Principals, Regents, Maſters, or others, bearing office in any Univerſity, College or School, within this kingdom, be capable, or be admitted or allowed to continue in the exerciſe of their ſaid functions, but ſuch as ſhall own and acknowledge the Civil Government in manner preſcribed, or to be preſcribed by the Acts of Parliament. As alſo, that before, or at their admiſſions, they do and ſhall acknowledge and profeſs, and ſhall ſubſcribe to the foreſaid Confeſſion of Faith, as the Confeſſion of their Faith; and that they will practiſe and conform themſelves to the Worſhip preſently in uſe in this Church, and ſubmit themſelves to the Government and Diſci-

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pline thereof, and never endeavour, directly or indirectly, the prejudice or ſubverſion of the ſame; and that before the reſpective Preſbyteries of their bounds, by whatſoever gift, preſentation, or proviſion, they may be thereto provided. And further, her Majeſty, with advice aforeſaid, expreſly declares and ſtatutes, that none of the ſubjects of this kingdom ſhall be liable to, but all and every one of them for ever free of any oath, teſt, or ſubſcription, within this kingdom, contrary to, or inconſiſtent with, the foreſaid true Proteſtant Religion and Preſbyterian Church Government, Worſhip, and Diſcipline, as above eſtabliſhed; and that the ſame, within the bounds of this Church and Kingdom, ſhall never be impoſed upon, or required of them in any ſort. And, laſtly, that, after the deceaſe of her preſent Majeſty (whom God long preſerve!) the Sovereign ſucceeding to her in the Royal Government of the kingdom of Great-Britain ſhall, in all time coming, at his or her acceſſion to the Crown, ſwear and ſubſcribe, that they ſhall inviolably maintain and preſerve the foreſaid Settlement of the true Proteſtant Religion, with the Government, Worſhip, Diſcipline, Right, and Privileges of this Church, as above eſtabliſhed by the laws of this kingdom, in proſecution of the claim of right. And it is hereby ſtatute and ordained, that this Act of Parliament, with the eſtabliſhment therein contained, ſhall be held and obſerved, in all times coming, as a fundamental and eſſential condition of any Treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto, in any ſort, for ever. As alſo, that this Act of Parliament, and Settlement therein contained, ſhall be inſert and repeated in any Act of Parliament that ſhall paſs, for agreeing and concluding the foreſaid Treaty or Union betwixt the two kingdoms; and that the ſame ſhall be therein expreſly declared to be a fundamental and eſſential condition of the ſaid Treaty or Union, in all time coming. WHICH ARTICLES OF UNION, and Act immediately above-written, her Majeſty, with advice and conſent foreſaid, ſtatutes, enacts and ordains to be, and continue, in all time coming, the ſure and perpetual foundation of a compleat and intire Union of the two kingdoms of Scotland and England, under the expreſs condition and proviſion, that the approbation and ratification of the foreſaid Articles and Act ſhall be no ways binding on this kingdom, until the ſaid Articles and Act be ratified, approved, and confirmed, by her Majeſty, with and by the authority of the Parliament of England, as they are now agreed to, approved and confirmed, by her Majeſty, with and by the authority of the Parliament of Scotland. Declaring nevertheleſs, that the Parliament of England may provide for the ſecurity of the Church of England as they think expedient, to take place within the bounds of the ſaid kingdom of England, and not derogating from the ſecurity above provided, for the eſtabliſhing of the Church of Scotland within the bounds of this kingdom.

dom. As alſo, the ſaid Parliament of England may extend the additions and other proviſions contained in the articles of Union, as above inſert in favours of the ſubjects of Scotland, to and in favours of the ſubjects of England, which ſhall not ſuſpend or derogate from the force and effect of this preſent ratification, but ſhall be underſtood as herein included, without the neceſſity of any new ratification in the Parliament of Scotland. And, laſtly, her majeſty enacts and declares, that all laws and ſtatutes in this kingdom, ſo far as they are contrary to, or inconſiſtent with, the terms of theſe Articles as above-mentioned, ſhall, from and after the Union, ceaſe and become void.

AND WHEREAS an act hath paſſed in this preſent ſeſſion of Parliament, intituled, "An act for ſecuring the Church of England as by law eſtabliſhed," the tenor whereof follows, Whereas, by an act made in the ſeſſion of Parliament held in the third and fourth year of her Majeſty's reign, whereby her Majeſty was impowered to appoint Commiſſioners, under the Great-ſeal of England, to treat with Commiſſioners, to be authorized by the Parliament of Scotland, concerning an Union of the kingdoms of England and Scotland, it is provided and enacted, that the Commiſſioners to be named in purſuance of the ſaid act ſhould not treat of or concerning any alteration of the liturgy, rites, ceremonies, diſcipline, or government of the church, as by law eſtabliſhed, within this realm; and whereas certain Commiſſioners appointed by her Majeſty, in purſuance of the ſaid act, and alſo other Commiſſioners, nominated by her Majeſty, by the authority of the Parliament of Scotland, have met and agreed upon a Treaty of Union of the ſaid kingdoms, which treaty is now under the conſideration of this preſent Parliament; and whereas the ſaid Treaty, with ſome alterations therein made, is ratified and approved by act of Parliament in Scotland, and the ſaid act of ratification is by her Majeſty's royal command laid before the Parliament of this kingdom; and whereas it is reaſonable and neceſſary that the true Proteſtant religion profeſſed and eſtabliſhed by law in the church of England, and the doctrine, worſhip, diſcipline, and government thereof, ſhould be effectually and unalterably ſecured; Be it enacted by the Queen's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons in this preſent Parliament aſſembled, and by authority of the ſame, that an act made in the thirteenth year of the reign of Queen Elizabeth of famous memory, intituled, "An act for the Miniſters of the Church to be of ſound religion;" and alſo another act made in the thirteenth year of the reign of the late King Charles the ſecond, intituled, "An act for the uniformity of publick prayers and adminiſtration of ſacraments, and other rites and ceremonies, and for eſtabliſhing the form of making, ordaining, and conſecrating Biſhops, Prieſts, and Deacons, in the Church of England" (other than ſuch clauſes in the ſaid acts, or either of them, as have been repealed or altered by any ſubſequent act or acts of Parliament), and all and

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ſingular other acts of Parliament now in force, for the eſtabliſhment and preſervation of the Church of England, and the doctrine, worſhip, diſcipline, and government thereof, ſhall remain and be in full force for ever. And be it further enacted, by the authority aforeſaid, that after the demiſe of her Majeſty (whom God long preſerve!) the Sovereign next ſucceeding to her Majeſty in the royal government of the Kingdom of Great Britain, and ſo for ever hereafter every King or Queen ſucceeding and coming to the royal government of the kingdom of Great Britain, at his or her coronation, ſhall in the preſence of all perſons who ſhall be attending, aſſiſting, or otherways then and there preſent, take and ſubſcribe an oath to maintain and preſerve inviolably the ſaid ſettlement of the Church of England, and the doctrine, worſhip, diſcipline, and government thereof, as by law eſtabliſhed within the kingdoms of England and Ireland, the dominion of Wales, and town of Berwick upon Tweed, and the territories thereunto belonging. And be it further enacted, by the authority aforeſaid, that this act, and all and every the matters and things therein contained, be, and ſhall for ever be, holden and adjudged to be a fundamental and eſſential part of any Treaty of Union to be concluded between the ſaid two kingdoms; and alſo that this act ſhall be inſerted in expreſs terms in any act of Parliament which ſhall be made for ſettling and ratifying any ſuch Treaty of Union, and ſhall be therein declared to be an eſſential and fundamental part thereof. May it, therefore, pleaſe your moſt Excellent Majeſty, that it may be enacted, And be it enacted by the Queen's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by authority of the ſame, that all and every the ſaid Articles of Union as ratified and approved by the ſaid act of Parliament of Scotland as aforeſaid, and herein before particularly mentioned and inſerted, and alſo the ſaid act of Parliament of Scotland, for eſtabliſhing the Proteſtant religion, and Preſbyterian Church government, within that kingdom, intituled, "Act for ſecuring the Proteſtant religion "and Preſbyterian Church government," and every clauſe, matter, and thing in the ſaid Articles and Act contained, ſhall be, and the ſaid Articles and Act are hereby for ever ratified, approved, and confirmed. And it is hereby further enacted, by the authority aforeſaid, that the ſaid act paſſed in this preſent ſeſſion of Parliament, intituled, "An act for ſecuring the Church of England as by law eſtabliſhed," and all and every the matters and things therein contained, and alſo the ſaid act of Parliament of Scotland, intituled, "Act for ſecuring the Proteſtant religion and "Preſbyterian Church government," with the eſtabliſhment in the ſaid act contained, be, and ſhall for ever be, held and adjudged to be and obſerved as fundamental and eſſential conditions of the ſaid Union, and ſhall in all times coming be taken

to be, and are hereby declared to be, eſſential and fundamental parts of the ſaid Articles and Union; and the ſaid Articles of Union ſo as aforeſaid ratified, approved, and confirmed, by act of Parliament of Scotland, and by this preſent act, and the ſaid act paſſed in this preſent ſeſſion of Parliament, intituled, "An act for ſecuring the Church of England as by law eſtabliſhed," and alſo the ſaid act paſſed in the Parliament of Scotland, intituled, "Act for ſecuring the Proteſtant religion and Preſbyterian Church government," are hereby enacted and ordained to be and continue, in all times coming, the compleat and intire Union of the two kingdoms of England and Scotland.

And whereas, ſince the paſſing the ſaid act in the Parliament of Scotland for ratifying the ſaid Articles of Union, one other act, intituled, "Act, ſettling the manner of electing the ſixteen Peers and forty-five members to repreſent Scotland in the Parliament of Great Britain," hath likewiſe paſſed in the ſaid Parliament of Scotland, at Edinburgh, the fifth day of February one thouſand ſeven hundred and ſeven, the tenor whereof follows: OUR SOVEREIGN LADY conſidering that, by the twenty-ſecond article of the Treaty of Union, as the ſame is ratified by an act paſſed in this ſeſſion of Parliament, upon the ſixteenth of January laſt, it is provided, that, by virtue of the ſaid Treaty, of the Peers of Scotland, at the time of the Union, ſixteen ſhall be the number to ſit and vote in the Houſe of Lords, and forty-five the number of the repreſentatives of Scotland in the Houſe of Commons, of the Parliament of Great Britain; and that the ſaid ſixteen Peers, and forty-five members in the Houſe of Commons, be named and choſen in ſuch manner as by a ſubſequent act in this preſent ſeſſion of Parliament in Scotland ſhould be ſettled; which act is thereby declared to be as valid, as if it were a part of, and ingroſſed in, the ſaid Treaty; therefore, her Majeſty, with advice and conſent of the Eſtates of Parliament, ſtatutes, enacts, and ordains, that the ſaid ſixteen Peers, who ſhall have right to ſit in the houſe of Peers in the Parliament of Great Britain on the part of Scotland, by virtue of this Treaty, ſhall be named by the ſaid Peers of Scotland whom they repreſent, their heirs, or ſucceſſors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the peers preſent, and of the proxies for ſuch as ſhall be abſent, the ſaid proxies being Peers, and producing a mandate in writing duly ſigned before witneſſes, and both the conſtituent and proxy being qualified according to law; declaring alſo, that ſuch peers as are abſent, being qualified as aforeſaid, may ſend to all ſuch meetings liſts of the Peers whom they judge fitteſt, validly ſigned by the ſaid abſent Peers, which ſhall be reckoned in the ſame manner as if the parties had been preſent, and given in the ſaid liſt: And in caſe of the death, or legal incapacity, of any of the ſaid ſixteen Peers, that the aforeſaid

ſaid Peers of Scotland ſhall nominate another of their own number in place of the ſaid Peer or Peers in manner before and after mentioned. And that of the ſaid forty-five repreſentatives of Scotland in the Houſe of Commons in the Parliament of Great Britain, thirty ſhall be choſen by the ſhires or ſtewartries, and fifteen by the royal burrows, as follows, *videlicet*, one for every ſhire and ſtewartry, excepting the ſhires of Bute and Caithneſs, which ſhall chooſe one by turns, Bute having the firſt election; the ſhires of Nairn and Cromarty, which ſhall alſo chooſe by turns, Nairn having the firſt election; and in like manner the ſhires of Clackmannan and Kinroſs ſhall chooſe by turns, Clackmannan having the firſt election: And in caſe of the death or legal incapacity of any of the ſaid members from the reſpective ſhires or ſtewartries above-mentioned, to ſit in the houſe of Commons; it is enacted and ordained, that the ſhire or ſtewartry who elected the ſaid member ſhall elect another member in his place. And that the ſaid fifteen repreſentatives for the royal burrows be choſen as follows, *videlicet*, That the town of Edinburgh ſhall have right to elect and ſend one member to the Parliament of Great Britain; and that each of the other burghs ſhall elect a Commiſſioner in the ſame manner as they are now in uſe to elect Commiſſioners to the Parliament of Scotland; which Commiſſioners and burghs (Edinburgh excepted), being divided in fourteen claſſes or diſtricts, ſhall meet at ſuch time and burghs within their reſpective diſtricts as her Majeſty, her heirs or ſucceſſors, ſhall appoint, and elect one for each diſtrict, *videlicet*, the burghs of Kirkwal, Weck, Dornock, Dingwall and Tayne, one; the burghs of Fortroſe, Inverneſs, Nairn and Forreſs, one; the burghs of Elgine, Cullen, Banff, Inverury and Kintore, one; the burghs of Aberdeen, Inverbervie, Montroſe, Aberbrothock and Brichen, one; the burghs of Forfar, Perth, Dundee, Cowper and St. Andrews, one; the burghs of Crail, Kilrennie, Anſtruther Eaſter, Anſtruther Weſter, and Pittenweem, one; the burghs of Dyſart, Kirkcaldie, Kinghorn and Bruntiſland, one; the burghs of Innerkeithing, Dumfermline, Queensferry, Culroſs and Stirling, one; the burghs of Glaſgow, Renfrew, Ruglen and Dumbarton, one; the burghs of Haddington, Dunbar, North Berwick, Lawder and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow and Lanerk, one; the burghs of Dumfreis, Sanquhar, Annan, Lochmaben and Kirkcudbright, one; the burghs of Wigtoun, New Galloway, Stranrawer and Whitehern, one; and the burghs of Air, Irvine, Rotheſay, Campbeltoun and Inverary, one. And it is hereby declared and ordained, that where the votes of the Commiſſioners for the ſaid burghs, met to chooſe repreſentatives from their ſeveral diſtricts to the Parliament of Great Britain, ſhall be equal, in that caſe the Preſident of the meeting ſhall have a caſting

or deciſive vote, and that by and according to his vote as a Commiſſioner from the burgh from which he is ſent, the Commiſſioner from the eldeſt burgh preſiding in the firſt meeting, and the Commiſſioners from the other burghs in their reſpective diſtricts preſiding afterwards by turns, in the order as the ſaid burghs are now called in the Rolls of the Parliament of Scotland. And that in caſe any of the ſaid fifteen Commiſſioners from burghs ſhall deceaſe, or become legally incapable to ſit in the Houſe of Commons, then the town of Edinburgh, or the diſtrict which choſe the ſaid member, ſhall elect a member in his or their place: It is always hereby expreſsly provided and declared, that none ſhall be capable to elect or be elected for any of the ſaid eſtates but ſuch as are twenty-one years of age compleat, and Proteſtant, excluding all Papſts, or ſuch who, being ſuſpect of Popery and required, refuſe to ſwear and ſubſcribe the *formula* contained in the third act, made in the eighth and ninth ſeſſions of King William's Parliament, intituled, "Act for preventing the growth of Popery;" and alſo declaring, that none ſhall be capable to elect or be elected to repreſent a ſhire or burgh in the Parliament of Great Britain for this part of the United Kingdom, except ſuch as are now capable by the laws of this kingdom to elect or be elected as Commiſſioners for ſhires or burghs to the Parliament of Scotland. And further, her Majeſty, with advice and conſent aforeſaid, for the effectual and orderly election of the perſons to be choſen to ſit, vote, and ſerve, in the reſpective Houſes of the Parliament of Great Britain, when her Majeſty, her heirs or ſucceſſors, ſhall declare her or their pleaſure for holding the firſt, or any ſubſequent Parliament of Great Britain, and when for that effect a writ ſhall be iſſued out under the Great-ſeal of the United Kingdom, directed to the Privy Council of Scotland, conform to the ſaid twenty-ſecond article, ſtatutes, enacts and ordains, that, until the Parliament of Great Britain ſhall make further proviſion therein, the ſaid writ ſhall contain a warrant and command to the ſaid Privy Council to iſſue out a proclamation in her Majeſty's name, requiring the Peers of Scotland for the time to meet and aſſemble at ſuch time and place within Scotland as her Majeſty and royal ſucceſſors ſhall think fit, to make election of the ſaid ſixteen peers; and requiring the Lord Clerk Regiſter, or two of the Clerks of Seſſion, to attend all ſuch meetings, and to adminiſter the oaths that are or ſhall be by law required, and to aſk the votes; and, having made up the liſts in preſence of the meeting, to return the names of the ſixteen Peers choſen (certified under the ſubſcription of the ſaid Lord Clerk Regiſter, Clerk or Clerks of Seſſion attending) to the Clerk of the Privy Council of Scotland; and, in like manner, requiring and ordaining the ſeveral freeholders in the reſpective ſhires and ſtewartries to meet and convene at

at the head burghs of their ſeveral ſhires and ſtewartries, to elect their Commiſſioners, conform to the order above ſet down, and ordaining the Clerks of the ſaid meetings, immediately after the ſaid elections are over, reſpectively to return the names of the perſons elected to the Clerks of the Privy Council; and, laſtly, ordaining the city of Edinburgh to elect their Commiſſioner, and the other royal burghs to elect each of them a Commiſſioner, as they have been in uſe to elect Commiſſioners to the Parliament, and to ſend the ſaid reſpective Commiſſioners, at ſuch times, to ſuch burghs within their reſpective diſtricts as her Majeſty and ſucceſſors, by ſuch proclamations, ſhall appoint; requiring and ordaining the common Clerk of the reſpective burghs, where ſuch elections ſhall be appointed to be made, to attend the ſaid meetings, and immediately after the election to return the name of the perſons ſo elected (certified under his hand) to the Clerk of Privy Council; to the end that the names of the ſixteen Peers, thirty Commiſſioners for ſhires, and fifteen Commiſſioners for burghs, being ſo returned to the Privy Council, may be returned to the court from whence the writ did iſſue, under the Great-ſeal of the United Kingdom, conform to the ſaid twenty-ſecond Article: And whereas, by the ſaid twenty-ſecond Article, it is agreed, that if her Majeſty ſhall, on or before the firſt day of May next, declare that it is expedient the Lords and Commons of the preſent Parliament of England ſhould be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England, they ſhall accordingly be the members of the ſaid reſpective Houſes for and on the part of England; her Majeſty, with advice and conſent aforeſaid, in that caſe only, doth hereby ſtatute and ordain, that the ſixteen Peers and forty-five Commiſſioners for ſhires and burghs, who ſhall be choſen by the Peers, Barons, and burghs, reſpectively, in this preſent ſeſſion of Parliament, and out of the members thereof, in the ſame manner as Committees of Parliament are uſually now choſen, ſhall be the members of the reſpective houſes of the ſaid firſt Parliament of Great Britain for and on the part of Scotland; which nomination and election being certified by a writ under the Lord Clerk Regiſter's hand, the perſons ſo nominated and elected ſhall have right to ſit and vote in the Houſe of Lords, and in the Houſe of Commons, of the ſaid firſt Parliament of Great Britain, as by the ſaid act paſſed in Scotland for ſettling the manner of electing the ſixteen Peers and forty-five Members to repreſent Scotland in the Parliament of Great Britain may appear; be it therefore further enacted and declared, by the authority aforeſaid, that the ſaid laſt-mentioned act paſſed in Scotland for ſettling the manner of electing the ſixteen Peers and forty-five members to repreſent Scotland in the Parliament of Great Britain, as aforeſaid, ſhall be, and the ſame is hereby declared to be, as valid as if the ſame had been part of, and ingroſſed in, the ſaid Articles of Union, ratified

ratified and approved by the ſaid act of Parliament of Scotland, and by this act as aforeſaid. Ego Matheus Johnſon Armiger Clericus Parliamentor. virtute brevis dict. Domine Regine de certiorand. mihi direct. & his annex. Certifico ſuperius hoc ſcriptum verum eſſe tenorum actus Parliamenti ſupradict. in eo brevi expreſſi. In cujus rei teſtimonium huic ſchedule ſigillum meum apoſui, nomenque meum ſubſcripſi. Dat. ſeptimo die Martii anno regni dicte Domine Regine quinto, annoque Domini milleſimo ſeptingenteſimo ſexto. Math. Johnſon. Nos autem ſeparales tenores brevis retorn. & actus predict. duximus exemplificand. per preſentes. In cujus rei teſtimonium has literas noſtras fieri fecimus patentes. Teſte meipſa apud Weſtmonaſter. ſeptimo die Martii anno regni noſtri quinto.

WRIGHTE.

APPENDIX.

APPENDIX.

PART I.

Containing an Account of Tranſactions in both Parts of the United Kingdoms, ſubſequent to the *Union*; being an Abridgment of the ſeveral Alerations made in the Laws, Trade, Cuſtoms, and Conſtitution, of both Kingdoms, by the *Union*.

THE Union was no ſooner concluded, and the Ratifications exchanged, as has been ſaid, but an unlucky buſineſs happened, that opened afreſh the mouths of thoſe that had all along watched occaſions for that purpoſe, and furniſhed them with matter of new clamour. The particulars are as follows:

The time when the Union was to take place was the firſt of May; after which, by the fourth Article of the Treaty, the ſubjects of either kingdom were to have a free intercourſe of trade, to enjoy equal privileges, and were to be upon an equal foot as to taxes, cuſtoms, duties, prohibitions, &c. as by words of the Treaty, viz. Article 4th.

" That all the ſubjects of the United Kingdom of Great Britain ſhall, from and " after the Union, have full freedom and intercourſe of trade and navigation to " and from any port or place within the ſaid United Kingdom, and the dominions " and plantations thereunto belonging; and that there be a communication of all " other rights, privileges, and advantages, which do, or may, belong to the ſubjects " of either kingdom, except where it is otherways expreſsly agreed in theſe Ar- " ticles."

But in the interval of time, between the finiſhing of the Treaty and the firſt of May, all things by conſequence remained as they were, and all merchandizes being imported into Scotland upon the foot of the former cuſtoms, which were much lower than in England, the merchants in both kingdoms, laying hold of that advantage for their private gain, fraughted abundance of ſhips in France and Holland with all ſorts of goods, which paid high duties in England, landing them in Scotland, and paying only the Scots dues, preſuming that, after the firſt of May, they ſhould be ſent free to England, according to the general Article of Freedom of commerce.

To let the reader more exactly into this caſe, I ſhall ſtate the difference of the duties of ſome of the ſeveral commodities, which, being thus imported into Scotland, were after to be carried into England; ſuch as wines, brandies, ſalt, lintſeed, iron, timber, deals, &c. being the chief kinds of goods imported in Scotland, and of which the duties were moſt complained of.

Beſides this, it is to be obſerved, that the Cuſtoms of Scotland being let in tack, as they call it in Scotland, or in farm as in England, the Tackſmen or Farmers, to encourage the merchants to make large importations, made ſeveral compoſitions and abatements to them, leſs or more, according as the quantity of the goods imported. Encouraged by this means, the cuſtoms were ſtill reduced, and yet the Farmers of the Cuſtoms made great gain of that interval of trade.

Another Article of the contrivance of the merchants on this head was in England, upon the drawbacks on foreign goods imported there, and exported again by certificate.

And this indeed was leſs honeſt by far than the other, though both of them politic enough; and, which was thought, had ſlipt the notice of the Treaters on both ſides during the negotiating the Treaty.

The exporters in this caſe ſent goods from England to Scotland by certificate, drawing back the duties paid on their import in England, as being ſent to a foreign country: After the Union the kingdoms becoming one, it was by the Treaty left open for them to carry the ſame goods back into England, and ſell them there, as if they had paid the duty.

The principal article this circumſtance relates to was tobacco, which paying a large duty of near ſixpence per pound in England, above ſix thouſand hogſheads, as I have been told (ſome have ſaid much more, even to double the quantity, but I chooſe to relate the loweſt number), were ſent into Scotland, and five *per* pound of the ſaid cuſtom drawn back by the merchant.

I need not acquaint the reader, that the exporter was both bound in a bond with ſecurities, and alſo ſworn againſt the re-landing or returning it into England again; but, as the Union gave a free intercourſe of trade, *i. e.* exporting and

importing to and from the reſpective kingdoms, without paying any duties, or any moleſtation whatſoever, ſo their bonds ſeem'd to be of no value in that caſe; but whether the oath was of no value to them is another affair, and not for me to determine here.

It is evident, the tobacco was ſent to Scotland in quantities ſo much above the uſual conſumption of that country, that it could rationally be eſteemed to be with no other proſpect than of returning it into England again after the Union, and ſo to obtain the advantage of the drawback.

In like manner, it is evident, the great import into Scotland of wines and brandy from France, either directly, or by way of Holland, was ſo much beyond the ordinary conſumption of the place, that it could be with no other end than the carrying it into England after the Union ſhould take place, nor did the merchants ſtick to own that to be in the deſign.

The Merchants in London, eſpecially ſuch as were concerned in the trade to Spain, Italy, and Portugal, and conſequently had the greateſt injury, made loud complaints of this, as an intolerable inequality, and a thing ſo unjuſt that they made no doubt to concern the Government in it, and the Parliament being then ſitting, they addreſſed the Houſe of Commons for relief.

Their addreſs was followed with numerous ſolicitations; they even wearied the Members, the Secretaries of State, and every body, that they thought would eſpouſe their cauſe; that, as ſome have expreſſed it, they almoſt drove the Houſe, by the force of their clamours, upon a debate of a thing which moſt people thought they had really no power, at leaſt no reaſon, to meddle with.

The Parliament then ſitting was the ſame which had, in concert with the Parliament of Scotland, made this Union; and it could not ſeem reaſonable, that the Parliament of England, in its ſeparate capacity, could be qualified to explain any part of the Articles, which were then ratified and recorded in both kingdoms, and neither Parliament could determine in things belonging to the other, any more than they could have done before the Treaty.

However this was, the Houſe of Commons went upon it, great application being made by the Engliſh Merchants, and after ſome debate came to this reſolution.

Reſolved,

"That the importation of goods and merchandiſes, of the growth and produce of France and other foreign parts into Scotland, in order to be brought from thence into England after the firſt of May, and with intention to avoid the payment of the Engliſh duties, will be to the damage and ruin of the fair traders, to the prejudice of the manufactures of England, a great loſs to her Majeſty's revenue of the Cuſtoms, and a very great detriment to the public."

And, in purſuance of this reſolution, a bill was ordered to be brought in, the enacting part of which I have annexed to this work, in the Appendix N° C. (3). The title of it was as follows.

" A Bill to prevent the miſchiefs of a fraudulent practice, in obtaining draw-
" backs for goods carried from England to Scotland, in order to be brought
" back again, and in carrying goods from foreign parts into Scotland, in order
" to brought into England, without paying the Engliſh duties, and for better
" ſecuring the duties of goods brought from the Eaſt Indies, was (according to
" order) read a ſecond time, and committed to a Committee of the whole Houſe."

This bill paſt all the uſual forms in the Houſe of Commons, and went up to the Lords, but, after long debate in the upper Houſe, the Lords rejected it.

It is true, that, upon the petitions and repreſentations of the Scots Merchants, there were long debates, and great difficulties in the paſſing this bill in the Houſe of Commons; and the Scots, demanding, by the letter of the Treaty, a free intercourſe of trade, alledged they could not be refuſed the importing of any goods out of Scotland into England, which were not by law counterband in Scotland before the ſaid Treaty, ſince having been fairly admitted to an entry in the Cuſtom-houſe of Scotland, and all the duties which were demanded being paid, the free intercourſe of trade between the nations immediately opened all the ports of England to their goods.

This argument was too powerful and too plain not to have its weight in the Houſe: But, to ſolve this, there was an exception put into the bill for the property of Scots Merchants, as a thing which would effectually remove their ſcruples, and anſwer the end both of the Union one way, and of the Portugal Merchants another; for the complaint ſeemed to lie not ſo much againſt the freedom of Scots Merchants importing their own goods, but of foreigners, Dutch, French, Jews, and Engliſh, who, under the cover of Scotſmen, had crouded in vaſt quantities of wine and brandy, merely to evade paying the Engliſh duty, taking the advantage of the interval of time, and thereby bringing their goods to market upon terms vaſtly differing from the courſe of trade.

To prevent this, the act was to provide, that all the properties of the Scots Merchants ſhould be exempted, and be allowed to come to England, but this was reſtricted in point of proof. (1.) The *onus probandi* lay upon the merchant, in which many niceties occurred needleſs to be mentioned here (2.) None were to be reputed Scots Merchants but ſuch as reſided in Scotland: this excluded the Scots Merchants at London and in Holland, who were deeply embarked in theſe importations, and on whoſe management the chief part of the deſign was charged. (3.) The proof of the importations and properties lay before the Commiſſioners of the Cuſtoms, and it was doubtful how it ſhould be determined.

Under

Under all theſe difficulties, with other reſtrictions needleſs here, this firſt act ſtruggled and paſt the Commons; and yet it was thought alſo, that, had the Scots been fairly excepted, they would have been well enough pleaſed with ſuch a difference, and they would have had ſome reaſon to have been ſo; nor was the exception of foreigners altogether unreaſonable, the thing being really a fraud in trade, and a hardſhip upon the fair traders: But the main objection turned upon another point, *viz.* the power the Parliament of England alone could have to determine, conſtrue, or explain, any one of the Articles of the Union, which being made by the concurrence of the two reſpective kingdoms, could not be ſubject to the cogniſance of either Parliament in its ſeparate capacity; and upon this head the Lords rejected the bill. And this being the main thing in my obſervation, on which the whole caſe depended, I have purpoſely omitted the reaſonings on that article on either ſide, which were very many, referring my reader to the ſubſtance of the Addreſs of the Scots Merchants to the Houſe of Lords, and to an obſervation made by an eminent Member of the Parliament, which I have added in the Appendix, in order to leave this caſe as clear to poſterity as is poſſible, marked N° (D3.) and N° (E 3.).

However, it was abſolutely neceſſary, if poſſible, to bring this affair to ſome concluſion; and, in order to this, the Parliament at that time drawing near an end, for they could ſit no longer than the laſt of April, the Union commencing the firſt of May, wherefore it was thought expedient to give the Houſe a ſhort receſs, that this matter might come again upon the ſtage, whereupon the Queen prorogued the Parliament for three days only, and in a ſhort ſpeech made them acquainted with the reaſon of it, *viz.* in order to find out an expedient to prevent any miſchiefs ariſing to either kingdom in the ſhort interval of time between that and the commencement of the Union.

When the Houſe met again, the Commons began again and voted to the ſame purpoſe as before, and ordered a bill to be brought in, in the ſame terms as before.

The vote of the Houſe of Commons ran thus;

"That the importation of ſundry goods of the growth of France, through Scotland into England, with deſign to avoid paying the duties payable for the ſame in England, is a notorious fraud, ruinous to the fair trader, and injurious to her Majeſty's revenue."

Upon this vote, the merchants at London renewed their clamours; and all methods poſſible were made uſe of to bring the Parliament into it, the Government would willingly have found out ſome expedient to have ſoftened the general complaint, and to have prevented the injury to the revenue; but all mediums were found imperfect; and the Houſe of Lords perſiſting in the firſt ſcruple, it fell to the ground.

While this was tranſacting, the merchants went on with their importation, and though the quantity did not amount to what had been alledged would be brought in, yet it was a very great quantity indeed, and the damage to the revenue in England appears by the following calculation.

There were not ſome wanting in either kingdom, who expected to make early objections againſt this proceeding, as a breach of the Union on the Engliſh ſide, and, had the act paſt, though with the utmoſt precautions, diſcovered that they would have improved that ſuggeſtion to the utmoſt; and yet it was obſervable, that none were ſo forward to approve of the act of reſtriction as ſome gentlemen who declared their averſion to the Union, and their willingneſs to have it diſſolved again.

Whatever loſs, therefore, the Government received by this affair, they avoided the ſtroke it would have given to the Union; and the enemies of the Treaty loſt the opportunity of ſaying it was broken.

The firſt of May being arrived, the Scots Merchants began to apply themſelves to the Government for the ſettlement of this matter, and the importation of their goods to England: this held a long debate, and took up a great deal of time; however, the Scots ſhipped their goods, took certificates in Scotland of their being fairly imported there before the firſt of May, and, though after many heſitations and delays, about the middle of June the fleet ſailed for London, conſiſting of about forty ſail, moſtly loaded with wine and brandy.

As ſoon as they arrived in the river of Thames, the Cuſtom-houſe officers made a general ſeizure both of ſhip and goods; and all was put to a full ſtop.

This perplexed the merchants very much, and loud clamours were made of it in Scotland, as a breach of the Union; the royal boroughs in Scotland held their Convention upon this affair, and the Merchants concerned in the ſaid ſhips preſented a petition to them, which, becauſe it relates the complaint in expreſs terms, and for the information of thoſe people in England who do not particularly underſtand the methods there, I inſert at large in the Appendix.

It may be obſerved, that the royal burghs in Scotland have their meetings on emergent occaſions, for the regulation of Trade, and ſettling their own affairs, beſides their annual meeting.

The Merchants of Scotland, generally ſpeaking, are all freemen of ſome one or other of theſe burghs; and there happening to be a convention, or meeting, as above, at that time, the Merchants preſented to them their petition, intreating them to repreſent their caſe to the Queen, ſetting forth their grievances: this petition you will find in the Appendix, N° A. (3.).

Purſuant to this petition, the Convention of burroughs repreſented their caſe very earneſtly to the Government, by the means of the Scots Secretaries of State,

then at London.—Their addreſs I have alſo placed in the Appendix to this work, N° B. (3.).

And thus the caſe was wholly referred to the Queen and Council.

It was thought hard indeed that the ſhips ſhould not be ſuffered to unlade, the ſeaſon being hot, and the wines expoſed to ſpoil; but there was no immediate remedy. The Cuſtom-houſe officers could not poſſibly do otherwiſe, for this reaſon: had the debate been what duty they ſhould pay, they might have ſuffered them to unlade into the Queen's ware-houſes, and have detained them there till ſuch duty had been paid. But the trade of France being univerſally prohibit by Act of Parliament, they could not be admitted to an entry, but were all forfeited, both ſhips and goods.

The Government willing, if poſſible, to give the neceſſary relief in this exigence, the Attorney General, and all other judges whoſe advice was neceſſary, were required to give their opinion; but they differed in their judgements ſo much, that no reſolution could be made in it.

However, that the merchants might be made eaſy, it was propoſed to them, that they ſhould land their goods, upon condition that they gave ſecurity to ſtand to the judgment of the Britiſh Parliament. This was thought but reaſonable, and ſome complied with it, and had their ſhips unloaden: others refuſed ſuch ſecurities, and their goods lay longer, and ſuffered more.

At length a medium was found out, which was to let all the merchants have the poſſeſſion of their goods, ſerving the poſſeſſors of the goods with a writ of *devenirunt* out of the Exchequer. This is a kind of writ which puts the matter in a form of proſecution only, that, in caſe of further occaſion, the Queen might recover her dues; and ſo the merchants had their goods, and the deciſion of it was left to time and to the Britiſh Parliament.

Thus it continued in a courſe of law, though not under proſecution, till the meeting of the Britiſh Parliament; when, by a vote of the Houſe of Commons, the whole affair was diſcharged, and all proſecutions ordered to be ſtopt, of which hereafter. Mean time the clauſe in Parliament, ſo much ſtruggled about, you will find in the Appendix to this work, N° C (3).

Thus ended this difficult matter, in which is to be noted the exactneſs of the Houſe of Lords, and tenderneſs in reſpect to the Union, which delivered us from the apprehenſions of an invaſion upon the articles; and notwithſtanding the damage done to the revenue, which was finally ſacrificed to the eaſe of the peoples minds, the whole claim was let fall.

It may be thought it had this uſe, however, that the difficulty which appeared in it checked the quantity of the goods that would otherways have been brought

in,

in, which would have been intolerable; and ſome thought this was part of the deſign of it.

While this was tranſacting, the Government began to take the ſtate of the nation into their conſideration, in order to ſettle things conform to the reſpective conſtitutions, and yet to put the Union as far in practice as the general circumſtances would admit; and this took up the moſt part of the time between the firſt of May, when the Union took place, and the ſitting down of the firſt Britiſh Parliament, nor was the thing without its difficulties, as will appear in the ſeveral articles following.

1. The Cuſtoms.
2. The Exciſe.
3. The Equivalent.
4. Petty Juſtice.
5. The Forces and the Coin.

Previous to theſe particulars it is requiſite to obſerve, that the adminiſtration of publick affairs was left to remain, as before, in the miniſtry of a Privy Council, a Treaſury, a Chancellor, and two Secretaries of State, with all other dependents and ſubſtitutes as before.

This the Queen thought fit to order, not only becauſe the weight of buſineſs was too great, and the particulars too nice, and of too much conſequence to ſuffer a ſudden change, which would have made large intervals in the courſe of adminiſtration, put a ſtop to the publick buſineſs, and influence private perſons affairs alſo. But as the Queen has always thought it beſt, in ſuch caſes, to take advice of her great Council the Parliament, a happineſs we have often complained for want of in former reigns; ſo it was referred to the ſitting of the Britiſh Parliament, that it might be ſettled to the ſatisfaction of the nation, by the advice of their full repreſentative.

Thus the civil liſt remained as it was, the army was ſubſiſted upon the old eſtabliſhment, and paid from the ceſs granted by the Parliament of Scotland, as far as it extended, the deficiency was left to the Parliament of Britain to ſupply, as appears by the Act of Parliament granting the ceſs.

On the firſt of May, one thouſand ſeven hundred and eight, the army received their pay from London, the regiment of foot-guards was received as Engliſh guards, and the command of them given to the Marquis of Lothian as colonel. The guards were cloathed after the Engliſh manner; I mean, as the Engliſh guards; and the whole eſtabliſhment of the force received their regulations and pay from the Britiſh Government.

But two things required an immediate application, viz. the Cuſtoms and Exciſe; for theſe being to be eſtabliſhed upon a new foot, viz. according to the Articles,

Articles, and to commence preciſely on the firſt of May, it was abſolutely neceſſary that they ſhould be firſt ſettled.

The ſame reaſons made it abſolutely neceſſary to bring down ſome Engliſhmen, to ſupply inferior offices, both in the Cuſtoms and Exciſe, at leaſt till proper perſons might be found or inſtructed to act without them.

It was thought at firſt, that, as Scotland being united to England, the whole United Kingdom coming under one denomination, and under one method of Government, ſo the revenues ſhould become united in one general collection, that the Cuſtoms ſhould be managed by the commiſſioners at London, and under them only by collectors and other officers in the reſpective ports in Scotland as it is in England, all ſubſervient to, and under the government of, the commiſſioners at London, and the like in the Exciſe.

But the buſineſs appeared too weighty and embarraſſed with too many difficulties to admit of ſuch a conjunction; and indeed were I to enter into an hiſtorical account of the labyrinths which the firſt ſettlement of theſe duties led the managers of them into, what difficulties they met with, what clamours were raiſed at their conduct, however impartially they endeavoured to act, it would look as if I were going to write of perſons inſtead of relating things, and that is none of my buſineſs here.

It will be enough here to touch the matters of fact, by which it will appear, both that the Government proceeded in the beſt method, in putting the Cuſtoms and Exciſe into a diſtinct management in Scotland; and alſo, that the commiſſioners of both ſhewed they wanted neither judgment or application in a ſettlement ſo ſpeedy under ſuch perplexed circumſtances as they found theſe revenues in at firſt.

The commiſſioners named for the management of the Cuſtoms were, as is noted, three Engliſh-men, two Scots-men.

Sir Alexander Rigby,
James Iſaacſon, Eſq. } Engliſh-men.
Lionel Norman, Eſq.

Sir Robert Dickſon, Baronet,
Mr. Will. Boyle, brother to the Earl of Glaſgow, } Scots-men.

The whole extent of the kingdom lay before them, and they had not only new officers to place in the reſpective ports, but they had all their old officers to inſtruct in the new methods, cuſtoms, and manner of ſecuring and accounting the reſpective duties.

This obliged the Government, even before commiſſioners were named, and before the time for the new collection began, to direct five perſons from England, experienced in the methods and uſage of the Cuſtoms, to go down into Scotland,

to put them into ſome manner of order as to exports and imports, eſpecially of goods to be paſſed between the two kingdoms when the Union was to take place, and of imports which might happen before the commiſſion came down; as alſo to regulate the collection of the ſubſequent duties, ſecure the payment, and inſtruct the officers; and this was about the latter end of April. If the diſorders theſe gentlemen found the Cuſtom-houſe in, the confuſion of method and remiſneſs of practice was material to note in a hiſtory, it would take up a large diſcourſe here, and make the neceſſity of a new modelling the Cuſtom-houſe more diſtinctly appear.

Theſe gentlemen, though it was impoſſible to build any thing upon the method they found things in, yet by their diligence and application brought them to a little of a form, and prepared them the better for the regulations which were to follow.

Theſe were the following perſons.

Mr. Lionel Norman, ſince one of the commiſſioners, from the Cuſtom-houſe at Berwick.

Mr. Jeſſop Bougton, ſince ſecretary of the Cuſtoms, from the Cuſtom-houſe at London.

Mr. John Colquit, ſince collector at Leith, from Cheſter.

Mr. John Sewell, from Carliſle.

Mr. Warwick Arthur, from Burlington.

The firſt clamour I meet with againſt theſe proceedings, was the filling all the commiſſions up with Engliſh-men and ſtrangers, and I mention it; not that it was a real ground of complaint, their number being not one-fifth part of the whole, as appears by their eſtabliſhment; but to remark how readily every thing was laid hold upon to reproach the Union, as being either originally deſigned for, or conſequentially improved to, the particular advantage of the Engliſh ſeparately conſidered.

Now although the ſmall number of Engliſh employed in the Cuſtoms were a ſufficient anſwer to the objections, and a full juſtification of the Engliſh Government in that caſe; yet it is a more clear defence when it is conſidered that it was impoſſible to introduce the new method of collection, the rules of their keeping their ſeveral offices and their accompts, which were all now to be done after the Engliſh manner, without the aſſiſtance of officers from England, who had been bred up to the ſame buſineſs, and were abſolutely maſters of the methods practiſed in England; of which by itſelf.

But to return to the queſtion, I mean the neceſſity of a ſeparate collection of the Cuſtoms and Exciſe in Scotland, it will further appear in reflecting on the proceedings of the officers in the proſecution of their new methods.

For,

For, firſt, the people finding the duties on French goods ſo extravagantly high, that the ſtealing the Cuſtoms was more worth their while than uſual, fell upon that practice with ſo much eagerneſs, that it was not in the power of the Cuſtom-houſe officers at firſt to ſuppreſs it. At ſeveral places they practiſed it ſo openly, and with ſuch aſſurance, that, when the officers had made their ſeizures, they were driven from them by the rabbles, and the goods attempted to be taken from them by force; and a fleet arriving from Holland about the months of Auguſt or September after the Union, it was thought that ſeveral thouſand ſmall caſks of brandy were conveyed ſecretly on ſhore, which it was impoſſible to prevent; but of this I ſhall be more particular by and by.

It was time therefore to take new methods; and, the commiſſioners applying themſelves to the Government in this matter, ſoldiers were appointed to defend the collectors as occaſion ſhould offer, and the perſons who had reſiſted, as above, were ſeized, and ordered to be proſecuted. I might give a long hiſtory here of the frauds and violences put upon the Government in the matters of the Cuſtoms, by which whole ſhips' loadings of goods were attempted to be put on ſhore, without paying the Cuſtom; but this is enough to make it plain what occaſion there was of a ſtrict and exact management in this affair, and conſequently of a ſeparate commiſſion.

The buſineſs of the Cuſtoms alſo in Scotland had been under a management quite different from that in England. The commiſſioners found the trade ſmall, the officers few and diſcouraged, their ſalaries ſmall, and the extent of the ports vaſtly large; ſo that of that ſmall buſineſs there was in the nation, much of it was carried on by the clandeſtine management of the merchant; and though the farmers or tackſmen did their utmoſt with the officers they had, yet it was impoſſible to prevent the running great quantities of goods.

If this was a general practice before, much more was it ſo now, when the ſweetneſs of it was taſted by the merchants after the Union, when the duty of wine and brandy was about five times to eight times as much as it was before. This, added to the inconveniencies the Cuſtom-houſe at firſt laboured under, made it impoſſible to put a ſtop to the irregular practice of the merchants. The firths of Forth and Clyde are known to be very large, and the whole kingdom full of creeks, coves, harbours, and bays, that unleſs a little army of officers had been maintained, it was not poſſible they could eaſily check the running goods on ſhore, where there was ſo great a temptation and opportunity.

But, in order to rectify this as much as poſſible, riding officers were appointed to ſurvey the coaſt. Theſe were uſeful, to obſerve the officers that they did their duty; and withal, to inform the commiſſioners of what happened, to regulate the ports, and direct the fixing officers in proper places.

Theſe conſiſted of four general riding ſurveyors, who, dividing the whole kingdom in proper diſtricts, had twelve riding officers under them, three to each ſurveyor. Theſe were ſubject to the orders and inſpection of the firſt four; and all ſubject to the general orders of the commiſſioners themſelves, as they found occaſion. Nor did the commiſſioners themſelves ſtick, as they found the ſervice required it, to take a perſonal inſpection into the buſineſs of the Cuſtoms at their firſt planting; frequently making long journies themſelves to viſit the coaſt, and rectify ſuch abuſes as they found requiſite; which, though not uſual, they made no difficulty to do, at the firſt ſettlement of this nice branch of the revenue.

Several cruizing veſſels alſo and ſmall boats were built, for the Cuſtom-houſe officers were intirely without them before, by which they were able to viſit and ſearch ſhips as they appeared at any time in the ſea, off of the ports, or in all the creeks and rivers, as there was occaſion: for want of which it was frequently practiſed for ſhips to appear at a diſtance, make ſignals for their confederates, who came off in boats, and ſo delivered the goods they deſigned to run before they came into port. Theſe boats, particularly in the firth of Forth, having the whole firth to range in, had their appointed ſignals alſo on the ſhores, whereby they never failed to have notice if the officers appeared, and could ſhift from port to port, or from one ſide of the firth to the other, till they had a clear port to land in; and the Cuſtom-houſe officers might have the ſatisfaction to ſtand on the ſhore, and look on, but, having no veſſel or boat to go off in, could not prevent the fraud.

But this was intirely prevented by the vigilance of the commiſſioners, who placed their cruizing veſſels in proper ſtations on the ſea, and their ſeveral ſmaller boats in the rivers, creeks, and ports; and theſe concurred together with the riding officers and ſurveyors on ſhore, who, in their conſtant circuits, anſwered exactly by land what the ſaid veſſels did on the ſea. By the exactneſs of this method, the affair of the Cuſtoms preſently came into form, and things looked with a new face in trade, to the ſatisfaction of fair traders, and the better collecting and ſecuring the duties.

And for the better explaining the particular management of the Cuſtoms in Scotland as to this point, and giving a proof of what I have noted as above, I have added a brief ſcheme of the ſeveral ſtations of the ſaid cruiſers by ſea, their appointed buſineſs, and original coaſts, together with the ſtations of the riding officers on ſhore, which will be found Appendix, part II. N° (R x x, S x x), and to which the reader is referred. A ſcheme alſo of the difference of ſeveral duties before and after the Union, from which the encouragement for theſe

theſe diſorders were drawn; theſe you will find Appendix, part II. N° (T x x, V x x, X x x).

I have been the longer on this, as well to give the true reaſons why it was abſolutely neceſſary to place Engliſh officers in Scotland, in order to regulate the collection, as why it was abſolutely neceſſary to have a diſtinct commiſſion in Scotland: and this will always hold to be a reaſon for ſuch a method, it being impracticable that all the variety of caſes which ſhall happen there ſhould be determined by the Board at London, or left to the arbitrary deciſion of ſingle collectors: and this was one reaſon, among others, why the Parliament found it neceſſary to have a court of Exchequer eſtabliſhed in Scotland, in which all the ſeizures, confiſcations, and pleas, between the merchant and the Cuſtom-houſe officers, ſhould be determined, ſince it would have been an inſupportable grievance, both to the Queen as well as to the ſubject: To the firſt, to have had ſuch pleas determined in the ordinary methods of the law; and to the ſecond, to have been obliged to defend themſelves in England, whither witneſſes muſt have been ſent, and the defendants have been bound to have appeared upon every trifling occaſion; of which by itſelf.

As the Cuſtoms were thus neceſſarily put under a ſeparate collection, ſo was the Exciſe. That branch of the revenue was not without its difficulties; and as there would be every day niceties and difficulties ariſing which no Government could foreſee; ſo it would have been too great a neglect of Scotland to have put the determination of that whole branch of the revenue into the hands of ſingle collectors.

Again, the diſputes in the Exciſe in England being referred wholly to the juſtices of the peace, and at the firſt ſettling this duty there being no juſtices of peace ſettled in Scotland; it would too much have expoſed the ſubject, to have left them to the arbitrary deciſion of inferior collectors, and too much have expoſed the Government, to have left the Queen without a due power to have ſecured the revenue.

But there were yet other reaſons which made the eſtabliſhing ſeparate Commiſſions in Scotland for the revenue, as above, to be abſolutely neceſſary; and this was the eighteenth and nineteenth Articles of the Union, which appointed the laws of Scotland to remain in force as they were. One conſequence of this Article was, that all the pleas of the Crown, as well as all matters of private right, became cognoſcible only in Scotland, and to be judged by what was before or was now to be deemed the law of Scotland.

Hence it appeared abſolutely neceſſary to have two new courts erected in Scotland; that is to ſay, new in method, though not in name, *viz.* a Court of Admiralty, and a Court of Exchequer; the firſt to determine maritime

diſputes; the other, ſuch as related to the receipt of the revenue, as ſeizures, forfeitures, penalties, crown lands, leaſes, grants, patents, &c. and whatever demands the Sovereign had upon the ſubjects.

It was expreſsly ſtipulated in the twenty-fourth Article of the Union, "That "a Seal in Scotland, after the Union, be always kept and made uſe of in all "things relating to private rights or grants, which have uſually paſſed the Great "Seal of Scotland, and which only concern offices, grants, commiſſions, and "private rights, within that kingdom; and that, until ſuch Seal ſhall be "appointed by her Majeſty, the preſent Great Seal of Scotland ſhall be uſed for "ſuch purpoſes; and that the Privy Seal, Signet, Caſſet, Signet of the Juſticiary "Court, Quarter Seal, and Seals of Courts, now uſed in Scotland, be continued."

By this clauſe all grants, patents, commiſſions, &c. were neceſſarily to be paſſed in Scotland. By this clauſe alſo it became neceſſary, that there ſhould be a diſtinct Keeper of the Seal, and a diſtinct Keeper of the Signet, in Scotland, though there was but one Lord Chancellor.

Again, by the eighteenth article it was expreſly ſtipulated, "That the laws "concerning regulation of Trade, Cuſtoms, and ſuch Exciſes, to which Scot-"land is, by virtue of this Treaty, to be liable, be the ſame in Scotland, from "and after the Union, as in England; and that all other laws, in uſe within the "kingdom of Scotland, do after the Union, and notwithſtanding thereof, remain "in the ſame force as before (except ſuch as are contrary to, or inconſiſtent with, "the terms of this Treaty), but alterable by the Parliament of Great Britain; "with this difference betwixt the laws concerning publick right, policy, and "civil government, and thoſe which concern private right, that the laws which "concern publick right, policy, and civil government, may be made the ſame "throughout the whole United Kingdom; but that no alteration be made in laws "which concern private rights, except for evident utility of the ſubjects within "Scotland."

This drove the Treaters to the abſolute neceſſity of forming all thoſe particulars of the nineteenth Article, which are but the explanation of the eighteenth, "That the Court of Seſſion, or College of Juſtice, do, after the Union, and "notwithſtanding thereof, remain in all time coming within Scotland as it is now "conſtituted by the laws of that kingdom, and with the ſame authority and "privileges as before the Union."

This ſettled the laws of private right: then the Court of Admiralty comes, as a conſequence of the ſecond clauſe, as follows: "And that all Admiralty Juriſ-"dictions be under the Lord High Admiral or Commiſſioners for the Admiralty "of Great Britain for the time being; and that the Court of Admiralty now "eſtabliſhed in Scotland be continued; and that all reviews, reductions, or

"ſuſpenſions

"ſuſpenſions of the ſentences in maritime caſes competent to the juriſdiction of "that court, remain in the ſame manner after the Union as now in Scotland, "until the Parliament of Great Britain ſhall make ſuch regulations and altera- "tions as ſhall be judged expedient for the whole United Kingdom, ſo as there "be always continued in Scotland a Court of Admiralty, ſuch as is in England, "for determination of all maritime caſes relating to private rights in Scotland, "competent to the juriſdiction of the Admiralty Court; ſubject, nevertheleſs, to "ſuch regulations and alterations as ſhall be thought proper to be made by the "Parliament of Great Britain; and that the heretable rights of Admiralty and "Vice-admiralties in Scotland be reſerved to the reſpective proprietors as rights "of property; ſubject, nevertheleſs, as to the manner of exerciſing ſuch here- "table rights."

That all pleas of right, whether in private right or pleas of the Crown, were cogniſable only in Scotland, is proved by the ſame Articles, in the following words: "And that no cauſes in Scotland be cognoſcible by the Courts of "Chancery, Queen's Bench, Common Pleas, or any other Court of Weſtmin- "ſter-Hall; and that the ſaid Courts, or any other of the like nature, after the "Union, ſhall have no power to cognoſce, review, or alter the Acts or Sen- "tences of the Judicatures within Scotland, or ſtop the execution of the ſame."

The Exchequer, as a further conſequence, follows next, in theſe words: "And that there be a Court of Exchequer in Scotland after the Union, for "deciding queſtions concerning the revenues of Cuſtoms and Exciſes there, "having the ſame power and authority in ſuch caſes as the Court of Exchequer "has in England; and that the ſaid Court of Exchequer in Scotland have power "of paſſing ſignatures, gifts, tutories, and in other things, as the Court of "Exchequer at preſent in Scotland hath; and that the Court of Exchequer that "now is in Scotland do remain, until a new Court of Exchequer be ſettled by "the Parliament of Great Britain in Scotland after the Union."

By theſe particular eſtabliſhments may be ſeen not only the manner of the publick management in Scotland, but the reaſon of it, and from whence it became neceſſary to have the Court of Exchequer, the Commiſſions, and the ſeparate collection of the publick Revenue, ſettled in Scotland, all flowing from this main original ſtated in the Treaty, *viz.* that all cauſes between the Queen and the ſubject are only cogniſable in Scotland.

According to this foundation, the collections for the Cuſtoms and Exciſes were ſettled in Scotland in diſtinct commiſſions, as has been ſaid; and though at firſt the difficulties in the ſaid collections appeared great, and ſome uneaſineſs on every ſide began to riſe, yet as they principally lay on the backwardneſs of the ſubject to come under a ſtrict ſurvey as to the duties, time wore off theſe things, and the people

people became more ſenſible of the neceſſity of the exact collection, in order to bring trade to an equality.

At the beginning the people thought every ſeizure of prohibited goods a violence upon their properties, and clamoured at the Engliſh and the Union; as if the Union had been made not to bring them under good government, but to leave them without government. Upon this notion they fell to running of brandy in particular, at that prodigious rate that ſome thouſands of ſmall caſks of brandy was, in ſpight of all the vigilance of officers, ſecretly ſuppoſed to be put on ſhore out of the firſt Dutch fleet that came to Scotland after the Union; and when the officers made ſeizure of ſeveral parcels, the rabbles by violence reſcued them again, as is already noted above.

But this practice was eaſily ſuppreſt, for not the Government only, but all the fair merchants were concerned in it, ſince the running of goods on ſhore, without paying cuſtom, is a known prejudice to the merchant, who entering his goods fairly, and paying large cuſtoms, is by theſe people under-ſold, and the market foreſtalled; theſe things, therefore, began to meet with leſs encouragement; and having no countenance but from the meer rabble, the frequent loſſes they met with, by the activity of the officers of the Cuſtoms, by little and little, diſcouraged the adventurers, and trade began to run in its proper channel.

The difficulties of the Exciſe were of another kind; of which by themſelves; and though the rules of collecting the Exciſe, and the methods of charging the ſubject, were very exact and regular, yet they were not without great obſtructions in their work, as has been noted: The firſt by reaſon of a miſunderſtanding of the ſenſe of the Article in the Union, ſettling the duty of Exciſe, which, having expreſt the ſeveral meaſures not very exactly, admitted a double conſtruction as to the quantity, what was to be eſteemed the Engliſh barrel: The Commiſſioners had charged it one way, and the Brewers demanded it another, as follows.

The act expreſſes it thus.

VII. "That all the parts of the United Kingdom be, for ever, and after the "Union, liable to the ſame exciſes upon all exciſeable liquors, excepting only "that the thirty-four gallons Engliſh to the barrel of beer or ale, amounting to "twelve gallons Scots, preſent meaſure, ſold in Scotland by the brewer at nine "ſhillings and ſixpence ſterling, excluding all duties, and retailed, including du-"ties on the retailer's profit, at two pence the Scots pint, or eighth part of the "Scots gallon, be not, after the Union, liable on account of the preſent exciſe "upon exciſeable liquors in England, to any higher impoſition than two ſhillings "ſterling upon the aforeſaid thirty-four gallons Engliſh meaſure, being twelve

% gallons the preſent Scots meaſure, and that the exciſe ſettled in England on all "other liquors, when the Union commences, take place throughout the whole % United Kingdom."

When the Exciſe Office came to charge the brewer upon this clauſe, they could reckon it no otherwiſe than as in England, by the gage of thirty-four gallons Engliſh to the barrel; and thus the brewer ſtood charged for ſome time.

But the brewers objected, and, ſticking to the letter of the Article, demanded to pay but two ſhillings for twelve Scots gallons, whether it overrun the Engliſh thirty-four gallons or no.

This occaſioned ſome ſmall debate, but the prudence of the Commiſſioners prevented the clamour ſome people would willingly have raiſed upon it, and the juſtices of peace directing one-ſeventeenth in each thirty-four gallons to be allowed, the brewer for the preſent left it undetermined till the Parliament ſhould ſettle it; and thus the brewers were made eaſy: it is to be obſerved, to the honour of the perſons employed in the firſt ſettlement of the Exciſe in Scotland, that, conſidering the ignorance of the moſt part of their officers in the art of gauging, and in the new methods of taking the worts, and making a charge, conſidering the difficuly of ſatisfying and convincing the people, who were to pay the duty, that they had no wrong done them, they themſelves being unable to examine the gaugers accounts, no duty was ever ſettled with ſo little noiſe, or with ſo few complaints, not one perſon, that ever I could hear of, having any appeal from the Commiſſioners ſentences, or making any complaint of injuſtice done them; but the collection went on eaſy, was collected quietly, paid chearfully, and viſibly improved the revenue, though nothing was paid by the brewer more than they paid before.

Nor had it been poſſible to collect this duty legally, if it had not been ſo, for the commiſſioners of the Exciſe laboured under another difficulty which none of the other branches of the revenue were troubled with, *viz.* That the laws of collection being by the Union to be the ſame as in England, and the juſtices of the peace being by the act of Parliament, 12 Carol. II. in England made judges between the Queen and the ſubject, in caſes of diſpute, from the beginning of the Union till about Auguſt 1708, which was fifteen months, they were without the aſſiſtance of juſtices to determine thoſe diſputes.

There was, indeed, a nomination of juſtices by the Privy Council of Scotland, 15 Auguſt 1707, as will appear in its place, and for ſome few months they did meet and act; but this was a new ſettlement, and the gentlemen named were yet young in their buſineſs, little help could be had from them, and, which was ſtill worſe, before they had time to inform themſelves their power died by the act of Parliament in England diſſolving the Privy Council in Scotland. This act

paſſ

ſhip in the beginning of the firſt Britiſh Parliament, and by the ceaſing of that power, from whence thoſe juſtices derived, the power of the juſtices alſo ceaſed; and they were now to receive new commiſſions from the Lord Chancellor of Britain, as the juſtices in England alſo did; this was not finiſhed till Auguſt 1708; ſo that, in all that time, the Commiſſioners of the Exciſe had no legal authority before whom they could convict any offender, or puniſh any breach of the law, or by whom any caſe could be determined.

Yet their buſineſs went on, and no complaint was heard againſt their management, no appeal made againſt them, no difficulties but what they worked through, to the general ſatisfaction.

The Exciſe as well as Cuſtoms in Scotland had been farmed out, or let in tack, as they call it, the Tackſmen or Farmers did their beſt, for their own intereſt; but ſeveral circumſtances rendered their method of collecting the Exciſe unfit to be imitated, ſuch as their officers, who were intirely ignorant of the art of gauging, taking the lengths of the worts by gueſs, and proving quantities chiefly by the oaths of the brewers and the like, which, joined with ſome other practices I care not to mention, expoſed both the Collectors and the Brewers to ſeveral inconveniencies, and in general made the charge on the Brewer many ways unequal; a thing prejudicial not to the duty only, but to the fair dealer particularly, who always ſuffers by the frauds and connivances of others.

On this account when the firſt of May came, and the Union taking place, the new duty was to begin, the Government found themſelves neceſſitated to ſend down a great many officers into Scotland, if poſſible, to put things into ſome order, and prepare the people for the new method of collection; what treatment theſe officers received in Scotland, how ill the people there uſed them, and how little they were able to do, will beſt appear by this, that the Government found themſelves obliged by proclamation to let the duty go on for ſome time in the ſame methods, and collected by the ſame officers, till the new methods could be prepared.

Nor was this all, for though the new Commiſſion was formed as ſoon as poſſible, for the Commiſſioners began to act on the ninth of June, yet they had the whole kingdom to regulate as to the collection, all their officers to inſtruct, both as to method and to act; the firſt relating to the accounts, and the laſt as to gauging; not an officer in the whole kingdom underſtanding the uſe of the gauging rod, as is noted already, nor the people knowing the meaning of it.

This makes the difficulty of ſettling the Exciſe in Scotland appear, and indeed whoever conſiders the manner of collection before the Union, as before, will wonder, how it was poſſible ever to bring the buſineſs into any order, for the people, being moſt intolerably averſe, at firſt, to the new regulations, raiſed innumerable

numerable clamours at the officers that came from England, as impoſing novelties on them, and confounding their buſineſs; and here, as well as in the Cuſtoms, the clamour againſt Engliſhmen being imployed, was laid hold of, but the conduct of the Commiſſioners here likewiſe effectually anſwered that pretence, for no ſooner had the officers, ſent by the Commiſſioners in England, as above, done the work they came about, *viz.* in directing and inſtructing the officers in Scotland, but the greateſt part of them were ſent back again, and ſo few Engliſhmen remained in the Exciſe, that it is not worth naming.

The names of the Commiſſioners as ſettled, after ſome few alterations, were as follows:

Alexander Wetherburn, Eſquire.
John Montgomery, Eſquire.
John Whittham, Eſquire.
David Roſs, Eſquire.
Alexander Forbes, Eſquire.

Nor was the duty of Exciſe, as a revenue, without its diſcouragements, as well as the Cuſtoms; the article of private rights, reſerved by the Union, had of courſe brought ſeveral exemptions upon them, ſome of which have proved very conſiderable hindrances to the duty.

The Commiſſioners, however, diſputed with ſome of thoſe people who claimed exemptions of duty, and the debate on thoſe heads lay undetermined before the Barons of Exchequer at the writing theſe ſheets.

Under all theſe diſcouragements, yet the collection went on, and the Brewers ſoon became ſatisfied with the manner of charging the Exciſe, *viz.* by gauging, as the moſt equal, indifferent, and undeniably certain, and as a method no man could be wronged by; which giving them all an equality with one another, was very much the advantage of the fair traders, who always ſuffer by the frauds of clandeſtine dealing.

Nay, this was evident by the Brewers themſelves, who, differing with the city of Edinburgh aſſeſſors about the taxes paid to the city, endeavoured to have the city officers charge them by the gauging rod, as in the Exciſe, but could not obtain it.

I have inſiſted upon the difficulties of ſettling theſe things, to ſhow the world the abſolute neceſſity of placing the collection of the revenue in Scotland, diſtinct from that in England; and alſo as a thing needful, to ſhow by what ſteps the ſeveral offices arrived to that order and exactneſs which they now appeared to be managed in.

I come now to the affair of the Equivalent.

The calculations and proportions between the nations, being the ground from whence it became payable to Scotland, I have gone through already, as diſtinctly

as I can, in the ſeveral obſervations on the minutes of the Treaty, firſt at London, and after in the Parliament of Scotland. We are now come to the payment of it.

The Parliament had determined, both how it ſhould be diſpoſed of, and who ſhould diſpoſe it, *viz.* That the Queen ſhould name Commiſſioners to receive and iſſue out the ſaid money according to the terms of the Union; this you have expreſsly in the fifteenth Article of the Union, as concluded at London, as follows: And it is agreed, That her Majeſty be impowered to appoint Commiſſioners, who ſhall be accountable to the Parliament of Great Britain, for diſpoſing the ſaid ſum of three hundred ninety-eight thouſand eighty-five pounds, ten ſhillings, and all other monies which ſhall ariſe to Scotland, upon the agreements aforeſaid, to the purpoſes before-mentioned: which Commiſſioners ſhall be impowered to call for, receive, and diſpoſe of, the ſaid monies in manner aforeſaid, and to inſpect the books of the ſeveral Collectors of the ſaid revenues, and of all other duties from whence an equivalent may ariſe; and that the Collectors and Managers of the ſaid revenues and duties be obliged to give to the ſaid Commiſſioners ſubſcribed authentick abbreviates of the produce of ſuch revenues and duties ariſing in their reſpective diſtricts: And that the ſaid Commiſſioners ſhall have their office within the limits of Scotland, and ſhall, in ſuch office, keep books containing accounts of the amount of the equivalents, and how the ſame ſhall have been diſpoſed of from time to time, which may be inſpected by any of the ſubjects who ſhall deſire the ſame.

The Queen, purſuant to this power, appointed Commiſſioners for the management of the equivalent; and the money, being raiſed by Parliament, lay ready in the Bank of England.

The Commiſſioners named by the Queen were twenty-five in number, as follows:

Sir Andrew Hume, Mr. William Dalrymple of Glenmuir, Sir Robert Sinclair of Stevenſon, Sir Thomas Burnet of Leyes, Sir John Areſkin of Alva, Sir John Swintoun of that Ilk, Sir James Campbell of Aberuchil, Sir James Smollet of Bonhil, Sir Patrick Johnſtoun, Mr. John Hadden of Glenagis, Mr. John Bruce of Kinroſs, Mr. William Seton, younger, of Pitmedden,	Commiſſioners of the Equivalent.

Mr.

Mr. John Clark, younger, of Penniecook,
Alexander Abercrombie of Glaſſoch,
Mungo Grahame of Gorthie,
Mr. John Pringle of Haining,
Daniel Campbell,
Sir John Cope,
Jacob Reynardſon,
John Bridges,
James Houblon,
} Merchants in London,
} Commiſſioners of the Equivalent.

Sir Francis Grant,
Bailie of Jerviſwood,
Graham of Dowgalſtoun,
Douglaſs of Kelhead,
} Theſe did not acccept the buſineſs at the firſt.

The four Merchants of London were named, becauſe, as members of the Bank of England, they were required to be preſent upon the ſpot, in order to ſupport the credit of the Bank, in caſe any body had ſcrupled their bills; and indeed there was occaſion ſufficient for their being there, as will appear preſently.

It was now the beginning of July, and the money was not yet come away from London. It would be endleſs to record here the ſcandalous reflections ſpread about, of the delay of payment, and how the Engliſh, having ſecured the main point, would pay the money when they pleaſed, or perhaps never; and ſome ran it up to that height, as to ſay, that the Engliſh deſigned to cheat them of the money.

Again: another ſort of people pretended the Union was broke, becauſe the money was not paid by the firſt of May; and there was a diſcourſe of ſome gentlemen, who came up to the Croſs of Edinburgh, and proteſted, in the name of the whole Scots nation, That the conditions of the Treaty being not complied with, and the terms performed, the whole was void, and Scotland was again free, whenever an occaſion offered to lay hold of that freedom; that ſome people were ſo weak to talk thus, and that a certain gentleman was fooliſh enough to make ſuch a formal proteſtation, I have ſome reaſon to believe; but that D—— H—— was the man, I profeſs not to know, and believe that noble perſon to underſtand the nature of the Treaty, and the nature of proteſting alſo, better than ſo.

Be it as it will, ſuch proteſtation was of no uſe, neither could it have any ſignification, being made purely without ground, the Treaty having no where tied up the Government of England to have the money actually in Scotland by

ſuch a day; nor was England by the Treaty under any obligation to a day of payment; but two things preſcribed the payment, and a third clears it all moſt effectually.

1. That, by the cuſtom of England, any payment contracted for *ſine die* becomes a debt demander, or payable at demand; and ſo the day being not prefixed in the Articles, the money became preſently due, *viz.* the firſt of May; but under no forfeiture on delay of days, much leſs a diſſolution of Articles.

2. But if this nicety had been inſiſted on, then it is anſwered, that the money was actually paid by England, being delivered by the Treaſury to a certain number of the Commiſſioners appointed for receiving the equivalent; and this either upon or before the firſt of May; and though it was not actually come down into Scotland, yet, if it was delivered in London to the proper perſons appointed to receive it, the Government of England was fairly acquitted of the payment. And this is to be ſeen by the ſaid Commiſſioners receipt in the Exchequer in England, when the money was paid.

3. But a third clauſe ſhewed all this to be an inſignificant and a moſt ignorant pretence; for the equivalent was actually paid and made good to Scotland before the Treaty was concluded; and it was expreſsly ſtipulated ſo to be ordered in the fifteenth Article, in theſe words: "It is agreed, that Scotland ſhall have an "equivalent for what the ſubjects thereof ſhall be ſo charged towards payment "of the ſaid debts of England, in all particulars whatſoever, in manner fol- "lowing, *viz.* that before the Union of the ſaid kingdoms, the ſum of three "hundred ninety-eight thouſand and eighty-five pounds, ten ſhillings, be granted "to her Majeſty by the Parliament of England, for the uſes after-mentioned, "being the equivalent to be anſwered to Scotland for ſuch parts of the ſaid "Cuſtoms and Exciſes upon all exciſeable liquors, with which that kingdom is to "be charged upon the Union, as will be applicable to the payment of the ſaid "debts of England, according to the proportions which the preſent Cuſtoms in "Scotland, being thirty thouſand pounds *per annum*, do bear to the Cuſtoms in "England, computed at one million three hundred forty-one thouſand five hun- "dred and fifty-nine pounds *per annum*; and which the preſent Exciſes on "exciſeable liquors in Scotland, being thirty-three thouſand and five hundred "pounds *per annum*, do bear to the Exciſes on exciſeable liquors in England, "computed at nine hundred forty-ſeven thouſand ſix hundred and two pounds "*per annum*; which ſum of three hundred ninety-eight thouſand eighty-five "pounds, ten ſhillings, ſhall be due and payable from the time of the Union."

It is evident from this Article, that the ſecurity demanded by Scotland, for the payment of this money, was, "That the Parliament of England ſhould raiſe the "ſum agreed, and ſhould grant it to her Majeſty, for the uſes in that fifteenth

"Article

"Article expreſſed;" that is, in ſhort, That the Parliament ſhould grant to her Majeſty ſuch a ſum of money, and appropriate it to the payment of the equivalent. This really was payment, and was ſo accepted; and the money being granted to the Queen was nothing but as a depoſit in a third hand, till the ratification of the Treaty ſhould paſs in Scotland, and be confirmed in England, or till the Union ſhould take place, WHEN, AND AS SOON AS that was done, the money was actually the right, the proper goods of the Scots; and the Government of England could not have kept it back, no, though the Treaty had been afterwards diſſolved or broken; ſo that the objection againſt the payment of the equivalent in time dies and falls to the ground in this, that it was actually paid by England before the Union began, and placed in ſuch hands as a truſt, to be at the demand of the Scots, as ſoon as the Union took place: "Due and payable "from the time of the Union," are the words of the Article. As ſoon, therefore, as the Union took place, the Treaſury of England became debitor to Scotland for ſuch a ſum of money; but the Parliament of England, with whom the Treaty was made, were diſcharged of the payment as ſoon as ever the Act of Appropriation was paſſed in the Houſe.

This, I think, is clear, and admits of no diſpute; but it ſhows the weakneſs of thoſe people, that promiſed themſelves any thing from the delay of the money coming into Scotland. Nor did their error ceaſe here; for, when the money came, they were not at all better pleaſed, but raiſed new clamours at the Union; and really went to that height in their reproaches, that it ſeemed as if they had yet latent expectations of raiſing a new tumult.

It was indeed ſomething remarkable here, and not a few people took notice of it, that the very ſame people, who juſt before exclaimed at the Engliſh for not paying the money, and cried out they were cheated, and the Union broken, were the ſame who, when the money came, made as much noiſe on the other hand of being bought and ſold, and that money being the price of their country.

The violence of this temper appearing ſo openly, I cannot be counted partial in giving a true account of it, ſince I could not be faithful to the matters of fact, if I omitted it.

On the day of Auguſt the money came to Edinburgh, in twelve waggons, guarded by a party of Scots dragoons, and was carried directly to the caſtle. If I omit to enter into the detail of the reproaches and railings at the poor innocent people that brought it; nay, at the very horſes that drew the carriages; it is, becauſe it was a folly below reproof, and rather deſerves pity.

If I omit naming a known perſon, in no concealed ſtation, who was for having the dragoons that guarded it hanged for bringing it in; and, being aſked, What he would have the poor men do with it? anſwered, They ſhould

have

have cut all them that brought it to pieces, and kept the money from coming into the country. If I omit naming this gentleman, it is in reſpect to his character, and in hopes he may live to be wiſer, and to acknowledge his inconſiderate raſhneſs.

The waggons, as is noted, were driven directly to the caſtle, and the money lodged there, to be iſſued in its courſe. The people, ſet on by proper engines, ſhewed their diſſatisfaction at firſt, by rudely ſtoning the poor carters and drivers, and two or three were very much hurt by ſtones, as they came back with their horſes from the caſtle.

But this was but the remains of the tumultuous temper we have been taking notice of before; and the poor ignorant people, acting only from outward appearances, without conſideration, grew calm again of courſe. Nor among the moſt malcontent perſons could I ever find any, that, when the money upon the African ſtock came to be paid, would think the ſpecies unhallowed enough to refuſe their ſhare of it.

As ſoon as the money was arrived, the Commiſſioners for the equivalent began to ſit, and immediately applied themſelves to the diſtribution of it according to the terms of the Treaty; and having ſet apart a due proportion for the expence of the coinage, they went immediately to work with the African ſtock, and began to pay off,

Yet I muſt not omit a difficulty here, that had almoſt put the affair to a full ſtop for a while; and this was from the ſpecies of the money they had brought. The caſe was as follows.

The Bank of England had that year, upon an advance of a ſum of money to the Government, received 1,200,000 *l.* or thereabouts, in Exchequer bills, which being made current by the credit, both of the Government in publick, and after by the Bank in particular, they preſumed would paſs in payment, as common paper credit uſually did in London, without intereſt, being always payable at demand by the Bank in London; this they expected ſhould go down without any difficulty in Scotland.

But the Bank ſeemed under ſome miſtake as to the extent of their reputation, or at leaſt as to the circumſtances of Scotland, when they propoſed the putting off theſe Exchequer bills there.

However, they ventured, and ſending only 100,000 *l.* in ready money, in the waggons mentioned before; the other 298085 *l.* 10 *s.* was ſent down in this paper credit or Exchequer bills.

This raiſed a new clamour in Scotland, and abundance of people ran away with it, that the Engliſh tricked them; that they had ſent them paper inſtead of money; that the great argument formerly uſed to perſwade Scotland to the Union,

Union, to take upon them a ſhare of the burden of the Engliſh debts, and to accept of an equivalent, was the great advantage that ſhould accrue to Scotland, by the circulating of ſo much ready money in the nation; and that now they were to be put off with bills payable 300 miles off, and which, if loſt or miſlaid, or by accident burnt, were irrecoverable.

The truth is, the Bank of England took a wrong ſtep here; for, firſt, they ventured upon Scotland with their bills inſtead of money, without conſulting either the temper or the circumſtances of Scotland at that time.

Had they correſponded with the Bank of Scotland, and obtained of the ſaid Bank to circulate their bills, either by their own credit or caſh; had they eſtabliſhed any running caſh in Scotland for the circulation, where they ſhould have been received and iſſued on occaſion; they had come off better; or had the bills had running intereſt upon them, that thoſe people who laid them up might have had an increaſe upon them as they lay by, there had been ſome reaſon to expect they might have paſſed.

But the Bank had ingroſſed the intereſt paid on the bills by the Government, and then ſent them naked into the world, to run purely on the credit of their fund, without any intereſt running upon them. This, and conſidering Scotland a place not yet of a great inland commerce, in which alone ſuch bills are capable of being made current, made it very improbable, that their bills ſhould paſs in Scotland. This miſtake the commiſſioners themſelves ſaw, as ſoon as they came to Scotland, and therefore immediately ſent away to England for 50000 *l.* ſterling more in gold; nor had this been able to have carried them thorow the payment, had not the Commiſſioners very prudently taken all the Exchequer bills that any one brought them, and given bills of exchange for them, payable in London.

When the Commiſſioners found how it was, they ſaw no remedy but to declare, that though they had brought Exchequer bills down, in order to ſupply the deficiency of bullion, which was then ſcarce enough in England, yet that nobody ſhould be obliged to take them without their conſent, nor ſhould any body be refuſed payment as they came in their order: and as a certain great perſon began with them, as ſome thought, by way of experiment, and having a demand for 4 or 5000 *l.* upon the African ſtock, refuſed to take any of the ſaid bills, the Commiſſioners immediately ordered it all to be paid in ſpecie.

This, and a conſtant currency of payment, began to raiſe them ſome reputation; and ſome who were friends to the Government, and ſaw the exigence of the preſent caſe, accepted of Exchequer bills for large ſums: others would take half money, half bills: and others that came for their money before their turn came, yet had it offered them if they would take bills, ſtill preſerving this point ſacred, that no-

body was refuſed his payment in courſe in money, if he inſiſted on it. Thus, with a great deal of difficulty, at laſt they worked thorow the payment of the African ſtock. The bills went all away to England ſo directly, that in ſix months time there was not one to be ſeen.

So the main end of the Bank, viz. the circulation of theſe bills in trade, as a paper credit, was quite loſt, which, had the intereſt been running upon them, would have been eaſy and readily complied with.

However, it was at laſt, contrary to expectation, concluded; and the whole African ſtock being paid off, that company diſſolved and died.

The next affair was the ſettlement of juſtice in Scotland: and this ſuffering ſome alteration, it is needful to give a true account of it, according to my title.

It had been ſtipulated by the eighteenth and nineteenth articles, "That all "other laws, in uſe within the kingdom of Scotland, do, after the Union, and "notwithſtanding thereof, remain in the ſame force as before (except ſuch as are "contrary to, or inconſiſtent with, the terms of this treaty), but alterable by the "Parliament of Great Britain, with this difference betwixt the laws concerning "publick right, policy, and civil government, and thoſe which concern private "right; that the laws which concern publick right, policy, and civil government, "may be made the ſame throughout the whole United Kingdom; but that no "alteration be made in laws which concern private right, except for evident "utility of the ſubjects within Scotland.

"That the Court of Seſſion, or College of Juſtice, do, after the Union, and "notwithſtanding thereof, remain in all time coming within Scotland as it is "now conſtituted by the laws of that kingdom, and with the ſame authority and "privileges as before the Union; ſubject, nevertheleſs, to ſuch regulations for "the better adminiſtration of juſtice as ſhall be made by the Parliament of Great "Britain; and that the Court of Juſticiary do alſo, after the Union, and not-"withſtanding thereof, remain in all time coming within Scotland as it is now "conſtituted by the laws of that kingdom, and with the ſame authority and "privileges as before the Union; ſubject, nevertheleſs, to ſuch regulations as "ſhall be made by the Parliament of Great Britain, and without prejudice "of other rights of juſticiary."

Theſe clauſes preſerved the ordinary proceſs of law, in caſe of private right, in the ſame courſe and condition as before; but all pleas of the Crown, matters of diſpute between the Queen and ſubject, relating to the revenue and trade, being to be the ſame as in England; for that reaſon, there were neceſſary alterations to be made in the methods, and even new models of proceedings to be formed, ſpecial to Scotland.

And

And firſt of the civil peace.

The ſeveral branches of the revenue, depending much upon the execution of petty juſtice, and particularly the Exciſe, in which the juſtices of peace are in moſt caſes the judges between the brewer and the collector; in this caſe it was neceſſary to renew the model formerly uſed, and taken from England, viz. of juſtices, conſtables, head-boroughs, &c. and this not only for the deciding differences in the duties, but in forcible entries, executing warrants, apprehending offenders, and the like; in which caſes conſtables and other officers are neceſſary, both to preſerve the peace, to aſſiſt in ſearching houſes, and in executing the reſpective warrants of the ſaid juſtices of the peace.

This, I ſay, made it abſolutely neceſſary to eſtabliſh the ſame method of civil juſtice in Scotland as in England, viz. by juſtices of the peace, conſtables, &c. which at that time was not in uſe in the whole country.

It had indeed been formerly attempted in Scotland; and there were ſome acts of Parliament then in force, for the making juſtices of the peace in Scotland as in England, particularly the 12th Act of the firſt Parliament Carol. II. anno 1661, and again by the 38th Act of the ſame Parliament. And theſe Acts are recited again in the proclamation for erecting new juſtices at this time; which proclamation, leaving out the names of the perſons as uſeleſs and tedious, I have annexed in the Appendix N° (F 3).

Upon the Revolution, this method of governing by juſtices, however uſeful in its kind, yet, as having been negligently or arbitrarily made uſe of in the former times, was laid aſide, and the Government of Scotland lay, as it had uſually done, too much in the abſolute diſpoſition of the heretable magiſtrates, ſuch as ſheriffs of counties, ſtewards of ſtewartries, and ſuch right as the ſuperiorities and uſages of places gave to the lairds; a conſtitution not at all calculated for the liberty of Scotland, or the increaſe of the happineſs of the people.

Upon the ſettling the Cuſtoms and Exciſe as above, it became, I ſay, neceſſary to reſtore the former model of petty juſtice, as, *per* the proclamation beforenamed, was done at this time; and accordingly juſtices of the peace and conſtables were erected all over Scotland; but this received another interruption, as a conſequence of the Union, which put a ſtop to all the civil adminiſtration for a time, as follows.

By the nineteenth Article of the Union, the affair of the Privy Council in Scotland was left thus:

> "And that, after the Union, the Queen's Majeſty, and her Royal Suc-
> "ceſſors, may continue a Privy Council in Scotland, for preſerving of
> "publick peace and order, until the Parliament of Great Britain ſhall

" think fit to alter it, or eſtabliſh any other effectual method for that " end."

As ſoon as the Parliament of Great Britain met, and began to enquire into the matter, they found the very nature of a Privy Council in Scotland, but eſpecially the manner of their Privy Coucils, ſo inconſiſtent with the Treaty of Union, and, above all, with the liberty of the ſubject, that they effectually diſſolved it, and voted that there ſhould be but one Privy Council in Britain.

I know this Act was oppoſed by ſeveral ſorts of people; and complaint was made, after its diſſolution, that Scotland was left without any form of government. Some others complained from another principle, of which I need ſay nothing here.

The miniſters of ſtate alſo oppoſed it a little; but no further than as they thought things were not ripe in Scotland for ſo ſudden a diſſolution of the face of power among them, and therefore would have had it continued for ſome certain limited time only, and that with ſuch limitations of authority as might be regulated by Parliament; but it was thought both burdenſome and dangerous; and indeed the Council in Scotland, acting arbitrarily, had given the lovers of liberty ſuch an averſion to them, that they could not hear of it; and ſo, after ſome ſtruggle, the Council was diſſolved by Act of Parliament.

This is mentioned here becauſe of the interruption given by the accident of this diſſolution to the courſe of petty juſtice, as aforeſaid; for now all the commiſſions of the peace ceaſed, being granted by the ſaid Privy Council; and by the new eſtabliſhment of the Council, which was now to be called the Council of Great Britain, and which was to have the ſame powers, and no other, which the Council of England had before, the commiſſions of the peace could no more be given by the Council, but by the Lord Chancellor. The commiſſions therefore terminated, and the new method of adminiſtration met with an interruption of ſeveral months, but was reſtored again by a general commiſſion of the peace, under the Great Seal of Britain, nominating juſtices of the peace through all Scotland, conform to the method of England. This commiſſion bears date the 13th day of May, anno 1708; and on this foot the whole iſland now ſtands in one form of adminiſtration as to petty juſtice, and therefore this Act is called, " An Act for rendering the Union more compleat." Which Act, for the more particular underſtanding this affair, I have added in the Appendix, N° (H. 3.). But here it is to be obſerved, that though this Act gives power to all the juſtices of the peace in Scotland, to " do, uſe, and exerciſe, over all perſons within " their ſeveral bounds, whatever doth appertain to the office and truſt of a juſtice " of peace, by virtue of the laws in England before the Union, in relation to or " for the preſervation of the publick peace;" yet it is provided, " That in all

"the ſeſſions of the peace they are preſcribed to the methods of trial and judge-
"ment according to the laws of Scotland."

This I note here, becauſe ſome would have ſuggeſted, that this erecting of courts of petty juſtice, for ſuch the ſeveral ſeſſions of the juſtices properly are in Scotland, and giving them authorities from the laws and uſage of England, was an invaſion of the nineteenth Article of the Union; but it was clear otherwiſe: for though in the publick peace their methods were the ſame as in England, yet it is obſervable,

1. That very clauſe was enacted in Scotland in the ſeveral Acts of Parliament of 1661, recited in the commiſſion, and never reſcinded in Scotland; and by the Union thoſe Acts are of courſe confirmed, not being any way inconſiſtent with, or contradicting the Treaty.
2. Had it not been ſo, the thing itſelf had been no way injurious to the Treaty of Union; the methods of trial, judgement, and execution, being as above preſcribed by the laws of Scotland, and to continue in the ſame form as before.

And this will more particularly appear in reading the very nature and form of the commiſſions of the peace granted by the Queen to the reſpective counties or ſhires in Scotland, one of which, viz. for the ſhire of Edinburgh. For the more eſpecial underſtanding this matter, I have annexed in the Appendix, part II. N° (G. 3.).

I might have entered here upon the differences of proceedings in the ſeveral new eſtabliſhed courts of juſtice, as of the Exchequer and Admiralty, and the general and petty ſeſſions of the juſtices; but theſe things ſeem not the proper ſubject of a hiſtory, ſo I wave them here, the latter part alſo being very well performed to my hand, I mean, relating to the proceedings and office of a juſtice of the peace in Scotland, by the ingenious hand of Mr. William Forbes, Advocate in Scotland, to which I refer the reader.

There was an alteration in matters of juſticiary, as it is called in Scotland, that is, of criminal proceſs; for whereas this was wholly left to a certain court, conſiſting of five Judges, who were therefore called the Lords of the Juſticiary, and that their court was holden only at Edinburgh, it was conſidered, that this was too great an interruption of juſtice, and oftentimes occaſioned the neglect of proſecution, as well as made that proſecution both difficult and chargeable to the ſubject, by which means thefts, violences, and ſometimes murders, eſcaped due puniſhment, the Parliament determined, by the ſame Act of Parliament as before, that the Lords of the Juſticiary ſhould divide the kingdom into circuits, and that theſe circuits ſhould be twice a year; that thus juſtice might, as in

England, be carried home to every man's door, and all the former inconveniencies might be for the future avoided.

The manner, methods, and other circumſtances, ſuch as time, place, &c. ſince they were nothing at all altered, the act of Parliament referring wholly to a former law, made in the third ſeſſion of the ſecond Parliament of King Charles II. came not under the head of Alterations which I am now upon, and conſequently need not be inſerted.

I might bring the alterations of elections of members for Parliament into this head, as well of the Lords as Commons; but it requires nothing, but to repeat the very articles of the Union again; and I think it is ſo expreſsly ſet down there, that it needs no comment at all, being nothing but meer matter of form; but as there required ſome addition to the manner of the returning of writs, and of the managing elections, you will find them in the ſame act of Parliament laſt quoted, and printed in the Appendix as above, all that matter being fully determined in this act.

The matter of the Exchequer Court now erected needs no other deſcription than this, that it is erected in the ſame form, and proceeds by the ſame method, as in England, having Barons, a Remembrancer, Treaſurer, and all the reſpective Clerks and offices as in England.

The firſt Barons were as follows:

The Earl of Seafield formerly Lord Chancellor of Scotland
Lord Chief Baron,
Mr. Baron Clark,
Mr. Baron Maitland,
Mr. Baron Smith,
Mr. Baron Scroop.

The Admiralty Court in Scotland remained; and the Earl of Weemyſs, who was before Lord Admiral in Scotland, was now made Vice-Admiral, by Commiſſion, under the Prince of Denmark, Lord High Admiral of Britain, and was, at the ſame time, nominated a member of the Prince's Council in England.

The inferior courts of judicature in the Admiralty remained as before, ſuffering no alteration in form, ſave that what related to the publick revenue, or the claims of the Sovereign, began to be modelled as in England, agreeable to the 18th and 19th Articles of the Union.

Thus the law in Scotland remained intire, the proceſs in common cauſes being the ſame, and the alterations being confined, as *per* the Treaty, to the eſtabliſhed methods of Scotland.

I come now to the coin; and though this has been a thing of great conſequence, yet it requires little more to be ſaid to it, than juſt that it ſuffered a general

general revolution; and that all the former coins of Scotland, as well as the forign ſpecies of money which went current in Scotland, the Engliſh money excepted, was called in and recoined, the Engliſh money being only to paſs current.

But there was a difficulty which, I have noted in the Minutes, gave them ſome trouble, *viz.* that the Engliſh money, which went for one penny in every ſhilling advance, ſhould be reduced to a par, that the loſs ſhould be made good by the Government, and yet the Engliſh not bring in great quantities to Scotland, to be offered to the Mint at one penny *per* ſhilling, and immediately received again with an allowance of the difference: to prevent this, that contrivance was found out, to bring in all the Engliſh money at one certain day, and receive it out again with an allowance for the difference; this occaſioned the proclamation for the alteration, that all the money ſhould be paid in on a ſhort day, and immediately returned with notes for the difference; this proclamation, as it expreſſes the whole ſcheme, I have added in the Appendix, N°. I.; which, though it be a long proclamation, yet, as it may be a precedent in like caſes, I have ſet down for general information.

The ſeveral proclamations for the gradual calling in the old money are too many to note here; it may ſuffice to hint, that, as the foreign money being brought in, which amounted to above 150,000 pounds ſterling, and this going into the Mint, the new coin began to circulate very ſpeedily; and, at the writing theſe ſheets, the whole nation was full of new money.

The ſeveral denominations of money before the Union in Scotland, I mean not of old obſolete coins, but ſuch as were now current, were as follows:

The bodle, or turner, ſix of which goes to a penny.
The half-penny, or baubee, two to a penny.
The Iriſh half-penny and French doits had paſſed, but were cried down by act of Council.

} Theſe were all of copper.

The Foreign Silver Coin was ſuch as,

The ducatoon of ſeveral coins, which paſſed at 6*s.* 2*d.* they had paſſed at 5*s.* 10*d.* but were raiſed by an act of Council to 6*s.* 2*d.* which cauſed great quantities to be brought in.

The dollar, of ſeveral coins, went formerly at 4*s.* 8*d.* were raiſed up to 4*s.* 10*d.* each; and four ſorts, *viz.* the Bank dollar, the Wild Horſe, the Caſtle, and the Wild Man dollars, were, by the ſame act of Council, raiſed to crowns.

The French crown had formerly paſſed for 56 *d.* but was alſo raiſed to 58 *d.*

The French quarter pieces, which paſſed for 3*d.* each.

Engliſh

Engliſh Coin.

Broad gold of England generally paſſed, *Jacobus* at 27*s.* and *Carolus* at 25*s.*

The Guinea gold paſſed at the Revolution at 22*s.* each, but were raiſed without any publick authority or rule, only by the circumſtances of trade, to 23*s.* 8*d.* This was the reaſon why, when the coin was called in, and the price of this reduced, the Government made no allowance on the gold.

The Engliſh ſilver coin paſſed by act of Council at one penny *per* ſhilling advance.

Domeſtick Coin.

Old Crowns of King James's and Queen Mary's, which paſſed for Crowns, but very few of them were to be ſeen.

Old Mark pieces, called old fourteens.

New Mark pieces, called alſo fourteens, the laſt coined in Cha. I. and Cha. II. with doubles of the laſt, called two Marks, after raiſed to half dollars, and four Marks, raiſed alſo in proportion, with half pieces at 7*d.* and quarters at 3*d.* halfpenny.

New milled money of King William's coin of ſeveral values,

As Crowns and Half-crowns.

Forty-pence, twenty-pence, ten-pence, and five-pence pieces.

There was, at this time, no Scots gold coin current, or to be ſeen, except a few preſerved for antiquity.

There were ſeveral ſpecies of Scots money that had been current, and of which ſeveral remainders were to be found; but the quantities were ſo ſmall, that I do not place them among the current coin.

It is enough to ſay, that all ſorts were called in by the Treaty; and no money made current by the Government, but the Engliſh or Britiſh coin.

I need not record the days and times, when and how long every particular ſpecies were permitted to paſs; it is enough to ſay, the prudence of the Government ſo ordered it, that the people felt no miſs, or want of the current money; and the thing was done ſo gradually, that the new money was circulating, before the old was called in.

This was done thus; firſt, the Engliſh money was reduced, as has been obſerved, by proclamation; then the foreign money was brought in; and this being a much greater quantity than was expected, the Mint immediately fell to work with it; and this, joined to the money brought down for the equivalent, furniſhed above 200,000*l.* in ſilver money, beſides what Engliſh money was in the country before;

before; ſo that the new money was diſperſed in every corner of the nation inſenſibly, and the old went off gradually, without any interruption to buſineſs; and at the writing theſe ſheets, the laſt, *viz.* the Scots milled money, was yet paſſing, but appointed to come into the mint by a certain day; there were ſeveral proclamations for this, and ſeveral days appointed; I have added only one in the Appendix, to let the reader into the method ſettled for this purpoſe, which terminated the currency of the Scots money to the 25th of February $170\frac{7}{8}$; but even that time was lengthened afterwards, and the Scots money ſuffered to paſs again till the latter end of September, 1708; and thus by degrees the Engliſh coin prevailed, and is now the only current coin of the nation. This Proclamation is marked in the Appendix, N°. (K 3.)

I cannot ſay ſo much for the new regulations of weights and meaſures, in which, though appointed by the Union to be made the ſame, little progreſs could be made at the writing of theſe accounts, ſave that the public buſineſs of the Cuſtom-Houſe was all ſettled by the weights and meaſures of England; but cuſtom had ſo inured the people to the former weights and meaſures, eſpecially the weights for their retailing goods, and the meaſures for corn, that it was impoſſible to bring the change about ſo ſoon; time alone can bring it to the iſſue deſigned.

Nor is the reducing the meaſures to an uniform ſtandard ſo abſolutely neceſſary, as that we ſhould think the Union defective for want of it; ſince the meaſures, eſpecially that which we call dry meaſure, as of corn and fruit, is at this time various almoſt all over England; as particularly in the North, the boll remains a received meaſure in Northumberland and Cumberland; in the Weſt, as in Cornwall and Devonſhire, the buſhel is almoſt two buſhels of the common meaſure; even the Wincheſter buſhel, which is the ſtandard of meaſure in England, varies, and in ſome places it contains eight gallons, in others nine gallons, in ſome places they have one to the ſcore thrown into the meaſure, in other places not. Again, in liquid meaſure we have the quart of two kinds for ſeveral liquors, as the wine quart and the Wincheſter quart, we have the pottle and gallon for dry meaſure, the pint and thence up to the gallon of liquid meaſure; in coals we have what is called the chalder at Newcaſtle, and the chalder at London, and the differing chalder in ſeveral differing parts; at London the chalder is thirty-ſix buſhels, at Sandwich thirty-two, at Lym forty, at Newcaſtle ſeventy buſhels; ſo, though the meaſures of corn and liquors ſhould have their variations in Scotland, according to the old cuſtoms and uſage of towns, counties, and manners, yet this does not at all render the Union incompleat; ſince the reducing the weights and meaſures to an equal ſtandard in the publick accounts, ſuch as in the Cuſtoms, tolls, exciſes, publick receipts and payments, and the like, is as effectual in equality

as is needful; and indeed is as much as was intended by the Union, no act of Parliament, law, or ſtatute, that can be made, being able to oblige the country people in every place to leave off their wonted calculations and denominations of things, which are frequently made upon the foot of their ancient cuſtoms; for example, as before, the valuation of lands, tenor of leaſes, the rents, the entails, rent-charges, life-rents, and payments for or out of land revenue, are all reckoned in Scotland by the chalder, boll, firlot, and lippy, and cannot be altered; even marriage ſettlements and entails are entered in this manner; and it would run Scotland into all manner of confuſion, to oblige them at once to leave off all the terms, by which their lands are known, valued, mortgaged, entailed, charged or conveyed.

I think we have thus gently touched at all the alterations of moment which were made in the laws, trade, cuſtom, and conſtitution of Scotland, according to my title; but leſt it may be thought, that theſe alterations lie too much diſperſed up and down this book, in the relation of particular caſes, I ſhall endeavour to ſum them up in the following abridgment.

Firſt, as to the Conſtitution, though laſt named, I conceive it ſuffered ſome alteration, though not, as was alledged by ſome, an intire diſſolution; it was not diſſolved, becauſe the Government by King and Parliament continued the ſame, *viz.* a limited monarchy; it received no diminution, but an addition of privileges and liberties; and had the Scots thought fit to have gone a little further, and made proviſion for transferring their ſuperiorities, they might have at laſt come to an intire enjoyment of that ſame liberty that England is now ſo happy in; however, though the Conſtitution received no diſſolution, yet it is acknowledged, that it ſuffered alterations in ſeveral articles, of which theſe are the principal.

1. That though the monarchy is the ſame, yet that they become incorporated into one monarchy with their neighbour kingdom, ſubjected for ever to the ſame Sovereign, and engaged in war, peace, alliances, and ſucceſſion with them; ſo that they can no more act in their ſeparate capacity, in any thing relating to Government or Conſtitution.

2. They ſuffer alterations in their repreſentative, and theſe conſiſt in two branches; firſt, That the number of their repreſentative is reduced to forty-five. Secondly, That the elections paſs under a new regulation, and are managed by a different method. And, thirdly, That they ſit not any more in Parliament by themſelves, but in conjunction with the Engliſh Parliament, repreſenting the ſeveral counties and corporations, as Members of the United kingdom of Great Britain.

3. The

3. The hereditary branch of Parliament, I mean the Peers, ſuffer alſo an alteration, being changed from a full appearance in Parliament to a repreſentative appearance, and that repreſentative limited to the number of ſixteen.

4. Their regal adminiſtration ſuffers an alteration; the Sovereign, who before executed the Civil Power in a ſeparate capacity, being now obliged to change the face of that adminiſtration into an united management, governing now by one Parliament, one Privy Council, one High Admiral, one Chancery, one Treaſury; and, in ſhort, one general œconomy of Government; thus the ſeveral diſtinct offices of Admiral, Chancellor, Treaſurer, Secretaries of State, and Preſident of Privy Council, ſunk in either kingdom, and new commiſſions were iſſued; as one Privy Council, and one Preſident, under the title of Lord Preſident of the Privy Council of Britain, Lord High Chancellor of Britain, Lord High Treaſurer of Britain, Lord High Admiral of Britain, and the like; and, which I cloſe all with, the Queen herſelf lays down her ſeparate titles, and is now no more Queen of England, Scotland, &c. but Queen of Great Britain, and is called in miſſives, and in foreign accounts, her Britannick Majeſty; her troops are no more Engliſh and Scots, but Britiſh forces; and the arms of the iſland are anew incorporated and quartered together, as appears at large in the foregoing ſheets.

This, I think, is the ſum of the principal alterations in the Conſtitution of Scotland by the Union; in all which, except that of the Parliament, the Commons being reduced in number, and the Lords by repreſentative; I ſay, in all the reſt, England ſuffered the ſame alterations as Scotland, ſuch as diſſolving her Parliament, her name as a kingdom, her Council, great offices, and title of her Sovereign; and all things began *de novo* in both kingdoms, under the ſingle denomination of Britain and Britiſh.

The ſecond head of alteration is that of the Laws; and this is ſo particularly entered into in the beginning of this very part of my work, that I need be but very ſhort.

1. The Laws of Government continue as the Government continues eſtabliſhed in the claim of right, I mean as to the limitations of government and obedience; nor has Scotland ſuffered any loſs, but rather been a manifeſt gainer in this point by the Union; the Privy Council tyranny being aboliſhed, who had arrived to that height in Scotland, as to give their acts almoſt of an equal authority to acts of Parliament; a power wholly diſclaimed by the Privy Council in England, to whoſe powers and authorities the preſent Council of Britain is by Parliament expreſsly limited and confined

2. The laws of private right have ſuffered no alteration, other than as private right may be intermixed with that of the Crown; but all the laws of publick right, ſuch as relate to Cuſtoms and Exciſes, have ſuffered the alterations mentioned in the Union, a Court of Exchequer being eſtabliſhed in Scotland for that purpoſe; and this was neceſſary, as has been noted, becauſe of the alterations neceſſary in the revenue, and in the reſpective methods of aſcertaining and collecting the Cuſtoms, Exciſes, &c. due to the Crown; and in this clauſe may be included the ſeveral laws for penalties, fines, forfeitures, and confiſcations, upon the particular treſpaſſes of the laws relating to Cuſtoms and Exciſe, which were wholly new.

3. The governing laws, relating to the Civil Peace, have ſuffered ſome alteration, as to what was juſt before the Union, by the erecting juſtices of the peace; but this ſeems a reſtoring what was before, rather than an alteration of what was, ſince it was nothing but what was actually put in practice twice before, and what there were laws then in being to juſtify their return. So all the alterations, that ſeem to be made now, were; firſt, only that the juſtices of peace formerly had their commiſſion from the Privy Council in Scotland, but now received it from the Lord Chancellor of Britain; and, ſecondly, that the juſtices of peace had ſome new powers veſted in them ſince the Union, which they had not before, ſuch as determining diſputes in the duty of Exciſe, giving power of diſtreſs for payment, warrants of forcible entries in caſe of concealments of Cuſtoms, and the like.

All the reſt of the Laws of Scotland remained the ſame *per* the Union; the circuits of the Lords of the Juſticiary I take alſo to be no innovation at all, as what had formerly been practiſed.

I come now to alterations of Trade; and theſe can receive but a very ſhort deſcription here, becauſe the greateſt alterations which happened in Trade could not follow the Union ſo cloſe at the heels as the time of the writing theſe ſheets require to relate it; but ſuch as were immediately the conſequence of the Union, were ſuch as theſe,

1. A general prohibition and ſtop of commerce with France, which, till now, Scotland publickly carried on.

2. A prohibition of all exports and imports, as in England; and, by virtue of that clauſe, a particular prohibition of the exportation of wool, which was, till then, publickly allowed in Scotland, and which, though people ſeemed at firſt very uneaſy at, yet was, without doubt, very much for the publick advantage of Scotland, whoſe manufactures were thereby quite ſunk as to exportation; this article was attended with penalties and forfeitures particular, and ſuch as were not practiſed in Scotland, and for

which

which the laws of Exciſe and Cuſtoms in England were introduced, and the trials on which were brought on, either before the juſtices of peace, or Court of Exchequer, as above.

3. Whereas Scotland had, before this, prohibited all the Engliſh woollen manufactures, under ſevere penalties, and England, on the other hand, had excluded the Scots from trading with Scots ſhips to their Colonies in America, directly from Scotland, and had confiſcated even their own Engliſh ſhips trading to the ſaid Colonies from England, if navigated or manned with above one-third Scots ſeamen, had laid tolls and heavy impoſts upon cattle and linen imported into England from Scotland, and had prohibited the exportation of corn from England to Scotland, though the occaſion of it might be never ſo great, but on the ſame conditions, and under the ſame reſtrictions, as to other countries; now, by the Union, all theſe prohibitions, reſtraints, tolls, impoſts, and excluſions, on either hand, were taken off; the Engliſh growth and manufactures, formerly prohibited, came immediately, free of all interruptions, into Scotland; all the tolls and impoſts upon Scots cattle, linen, or other goods in England, were taken off; all the ports of England, whether in Europe or America, were open to Scots ſhips, without any impoſts or reſtraint; Scots ſailors in Engliſh bottoms were immediately free; and ſhips from the Engliſh Colonies might ſail to, and unlade free in Scotland, without any obſtruction.

Theſe I call alterations in the laws of trade; beſides which, there were ſome particular alterations which relate to the drawbacks, bounties, and allowances on the exportation, and for encouragement of the exportation of fiſh, corn, pork, &c. of which I need ſay nothing, having been very particular already in the relation of the debates upon thoſe heads in Parliament.

The conſequences of theſe things upon trade are at preſent few, but will neceſſarily be far greater hereafter; the firſt viſible conſequence was the riſe and fall of ſeveral kinds of merchandizes, as the new alterations, prohibitions, or importations of them happened, differing from what they were before.

As for example: wines, brandy, and all kinds of goods of the growth of France, muſt of courſe riſe in their value, the further import being prohibited; and this would have enriched a great many families in Scotland, who had quantities of theſe goods on their hands, had not the difficulty of enforcing theſe prohibitions at firſt laid trade open to clandeſtine importations, by which the fair trader was, as in ſuch caſes always happens, a very great ſufferer.

Secondly, all the goods of the growth of the Engliſh Colonies, or which were to be had from England, being now imported directly to Scotland, began to come

as the return of the Scots manufactures, ſeveral ſhips being laden from Scotland to Virginia and Barbadoes, the very firſt year after the Union.

Another conſequence of this Union in trade was the letting fall almoſt all the woollen manufactures which had been erected in Scotland, and where they began to come to ſome perfection in making broad cloth, druggets, and ſtuffs of all ſorts; but, upon the opening the Engliſh trade, they were immediately ſo thronged with Engliſh goods of the ſame ſorts ſo much cheaper, that it appeared thoſe things would die of courſe.

Though, indeed, this ſeemed to be ſome blow to their trade, and particularly to the employment of their poor; yet, at the ſame time, the duties upon linen from Scotland being taken off in England made ſo great a demand for Scots linen more than uſual, that it ſeemed the poor could want no employment; and ſeveral kinds of linen being ſet to work by Engliſhmen, which never before were made, or at leaſt for exportation in Scotland, ſuch as ſail-cloths, canvas, damaſk, &c. it is thought, the employment of the poor was not leſſened by this alteration.

On the other hand, the lower and coarſer manufactures in Scotland, which were made of their own wool, ſeemed to increaſe, and not only found a larger vent in Scotland, but were bought up by the Engliſh merchants, who brought other ſtuffs thither, and ſold in England; and theſe manufactures are not unlikely to riſe to a conſiderable height, ſuch as Stirling ſerges, in England called ſhalloons, Muſſelburgh ſtuffs, and the like; and we find in England ſome propoſals from the African Company, for the making Guinea ſtuffs there, which perhaps may in time come to be very conſiderable.

I might enter here into the ſchemes and projects, which have made much noiſe in the world, for improvement of fiſhing in Scotland, and of navigation and building ſhips in Scotland; but as theſe things have yet made no alterations in the trade, and are but in embryo at the writing theſe ſheets, I cannot mingle them here as matter of hiſtory, but have touched them more at large in the preface.

It remains only to ſpeak of the alterations of the cuſtoms; and this would have required a long table of the ſeveral duties and impoſt formerly paid in Scotland upon the export and import of merchandizes; but, having already given an account, that the whole cuſtoms are ſettled upon the Engliſh foot, and the duties of all kinds being too large to inſert here, and already printed in the book of rates, re-printed in Scotland, it would be a vain labour to recite the particulars; and as to the difference between the duties on the Engliſh foot and the duties as paid before, it required the very ſame recital of particulars, the length of which would be intolerable; and for this reaſon, though I have referred to ſome ſchemes ſaid to be in the ſecond part of this Appendix, and which I received from the Cuſtom-houſe in Scotland, yet when I came to find,

upon examination, that the Tackſmen of the Cuſtoms in Scotland uſually compounded with the Merchants, and reduced the ſaid Cuſtoms to what ſum they pleaſed, I choſe to omit a ſcheme, which, when put down, would give the reader no certain gueſs at the thing, and conſequently ſignify nothing.

If any man ſhould enquire, whether, upon the whole of theſe alterations in trade, Scotland is gainer or loſer, I muſt acknowledge, it is a difficult point to reſolve at ſo ſmall a diſtance from the finiſhing the Union; but, as to the profit of the trade between Scotland and England in particular, as it appears at the writing theſe ſheets, I ſhall leave the impartial obſerver to gueſs by theſe two particulars.

1. That about ſeventeen ſhips from the ſeveral ports of Scotland are already fitted out, and ſent away to the Engliſh Colonies, whoſe loading is certainly the product of the ground, or labour of the poor, and whoſe return muſt be in ſugar, tobacco, cotton, indico, &c. and money.

2. That above 170,000 bolls of corn of ſundry ſorts have already been ſhipped off from Scotland for England, beſides a very great quantity bought up by England, and ſhipped directly for Portugal; both theſe articles are additions to the trade of Scotland, and both within little more than a year immediately ſucceeding the Union of the iſland. What further increaſe of commerce may accrue to Scotland, when theſe bloody wars ſhall end, and when peace ſhall be reſtored to Europe, I ſhall not pretend to examine; but there ſeems to be no queſtion, but the trade of Scotland ſtands fair for very great improvements.

APPENDIX.

APPENDIX.

PART II.

N° Axx.

Act anent Prayer for the Parliament, anent the UNION.

At Edinburgh, the fourteenth day of October, one thouſand ſeven hundred and ſix years.

THE Commiſſion of the General Aſſembly taking to their moſt ſerious conſideration the great and weighty affairs now in agitation, ſpecially the Treaty betwixt the two kingdoms; and how much theſe call to all to be earneſt with God in ſincere and fervent ſupplications for his direction and aſſiſtance to the high Court of Parliament, and all others concerned, to bring them to a happy iſſue, for his own glory, and the good of this Church and Kingdom: do therefore reſolve and declare, that, in the firſt place, they for themſelves, and for all that ſhall be pleaſed to join with them, will keep and obſerve Friday next, the 18th inſtant, at ten o-clock in this place, for a day of ſerious prayer and ſupplication to God, for his divine preſence and aſſiſtance for the end foreſaid; and, in the next place, do moſt earneſtly recommend to all the Lord's miniſters and people, that they alſo make application to God upon all proper occaſions for the ſaid ends and bleſſings; and that this Act be forthwith ſent and tranſmitted to all Preſbyteries for their concurrence by themſelves, and by ſtirring up their people to the duty above recommended.

And on the 22d of the ſame month, this affair being moved again, the following Act of the Commiſſion was made, as *per* the Hiſtory, fol. 27. of the Treaty in Scotland.

Act

Act of the Commiſſion of the General Aſſembly, cocerning ſolemn Prayer and Humiliation.

At Edinburgh, the 22d of October, 1706.

THE Commiſſion of the General Aſſembly of this national Church, having under their moſt ſerious conſideration, that the great and weighty affair of a Treaty of Union between the two Nations is now laid before the Parliament; and how much the reſult of their determinations, with reſpect to the ſame, may prove of the higheſt conſequence, both to this Church and Nation, in all their intereſts civil and religious, and that both to the preſent and ſucceeding generations; conſidering likewiſe, that the abounding and continued increaſe of impiety, popery, and prophaneneſs, through the land, the abuſe of the privileges and mercies we have enjoyed, and hitherto, through the infinite goodneſs and long-ſuffering patience of God, do ſtill enjoy; our unthankfulneſs for, and unfruitfulneſs under, the Goſpel; our formality, decay of zeal, and ſlackneſs in promoving, according to our ſtations, the much-called for work of ſincere, perſonal, and national reformation; may juſtly provoke the righteous and holy God to remove our bleſſings, to ſmite us in his hot diſpleaſure, and for our ſins to leave our rulers in this vaſtly important and difficult exigence, wherein there is ſo much need of clear and unprejudicated light, and of harmony, and oneneſs in the Lord: they have therefore judged it incumbent upon them to excite themſelves, and all the people of God in the land, to much ſerioufneſs, diligence, and continued fervour, in applying to the Throne of Grace, upon ſo great and momentous affairs: and they do hereby moſt ſeriouſly and earneſtly recommend to all the Preſbytries within this national Church, to appoint, ſet apart, and obſerve a day for ſolemn publick prayer, faſting, and humiliation, in all the Churches within their reſpective bounds as ſoon as poſſible; for which end, the Moderators of the ſeveral Preſbytries are to call them *pro re nata*, as ſoon as this comes to their hand; and farder, that Preſbytries continue to keep among themſelves, and miniſters with their ſeſſions, dyets, for perſiſting inſtant in prayer to God, and for preſerving upon their own ſpirits, and of all the Lord's people, a due concern about their proper duty, with reſpect unto the Church of Chriſt, and the great affairs now in agitation.

And the Commiſſion doth moſt earneſtly beſeech and obteſt in the bowels of our Lord Jeſus Chriſt, all their brethren of the Miniſtry, and all the Lord's people, that they ſtir up themſelves, and one another, to humble, ſincere, and penitent confeſſions of their own ſins, and the ſins of the land, and to unfeigned

reſolutions

reſolutions to amendment, with active and zealous endeavours after thorow reformation reſpectively in their places, together alſo with ardent ſupplications to the Father of Mercies in behalf of the whole Church of Chriſt over the world, and particularly of the Church in this land, that he may be pleaſed to take away all iniquity, to turn our hearts unto him, to return unto us, and abide with us in mercy, and graciouſly to preſerve, eſtabliſh, and perfect, what he has wrought for us; that our moſt gracious Queen may be bleſſed and preſerved in her perſon, and guided of God in her Government and Councils; and that there may be a due thankful acknowledgement of the great and wonderful things God hath done, in giving ſuch ſucceſs to the forces of her Majeſty, and theſe of her Allies, againſt the great troubler of the peace of Europe, and perſecutor of the Church and people of God, and that God may continue his kindneſs in proſpering her Majeſty's, and theſe of her Allies' forces, both by ſea and land, againſt the common enemy; and that all the conſultations and determinations of the Eſtates of Parliament, eſpecially with reſpect to an Union with England, may be influenced and directed by divine wiſdom and conduct in the fear of the Lord, to his glory, the good of religion, and this national Church, eſtabliſhed by law in doctrine, worſhip, diſcipline, and government, and the well-fare, comfort, and ſatisfaction of the people of this nation, and the peace and proſperity of both kingdoms, that iniquity may ſtop its mouth, that all ſinful contention and diſcord may ceaſe; and that truth, righthouſneſs, and peace, may flouriſh and be perpetuated in this Church and land: and it is ordained, that theſe preſents be read in the Paroch Churches. This Act being voted, was unanimouſly approven by the ſaid Commiſſion.

Extracted by me,
JO. DUNDAS, Cls. Eccl.

N° Bx.

To his grace the Duke of Queenſberry, her Majeſty's High Commiſſioner, and to the right honourable the Eſtates of Parliament.

The humble Addreſs and Petition of the Commiſſion of the General Aſſembly of the Church of SCOTLAND,

HUMBLY SHEWETH,

THAT where we are called by our great Lord and Maſter, and entruſted by the late General Aſſembly of this Church, to advert to the intereſt and concerns of this Church on all occaſions that may offer, for promoving of its good

good and advantage, and the preventing of any hurt or prejudice it may ſuffer: and whereas, by the late Act of Parliament for a Treaty with England, for an Union of both kingdoms, it is provided, that the Commiſſioners for that Treaty ſhould not treat of, or concerning, any alteration of the worſhip, diſcipline, and government, of the Church of this kingdom, as now by law eſtabliſhed; likeas her Majeſty, in her gracious letter to the Parliament, hath been pleaſed, on the preſent occaſion, to renew the aſſurances her Majeſty formerly gave of her reſolution to maintain the government of the Church as by law eſtabliſhed; therefore, and in regard there can be nothing more important to the glory of God, and to the perpetual peace and happineſs of this kingdom, nor agreeable to her Majeſty's moſt gracious pleaſure, nor more becoming the wiſdom and faithfulneſs of this high and honourable Court of Parliament, we do moſt humbly and earneſtly ſupplicate and beſeech your Grace and Lordſhips, that you may be pleaſed to eſtabliſh and confirm the true Proteſtant Religion, and all our ſacred and religious concerns, in the moſt effectual manner, for their unalterable ſecurity to the people of this land, and all ſucceeding generations; and eſpecially, that her Majeſty, with advice and conſent of the Eſtates of Parliament, would be pleaſed to ratify and confirm the fifth Act of the firſt Parliament of King William and Queen Mary, intituled, "Act ratifying the Confeſſion of Faith, and Settlement of the Preſbyterian Church Government," and the other Acts of Parliament relating thereto, in proſecution of the declaration of the Eſtates of this kingdom, containing the Claim of Right, of the date the 11th of April, 1689, expreſsly providing and declaring, that the foreſaid true Proteſtant Religion, contained in the above-mentioned Confeſſion of Faith, with the purity of worſhip preſently in uſe in this Church, and the Preſbyterian Church government and diſcipline, that is to ſay, the government of the Church by Kirk-Seſſions, Preſbyteries, Provincial Synods, and General Aſſemblies, which we are perſuaded are agreeable to the word of God, and founded thereon, and which are eſtabliſhed by the foreſaid Acts of Parliament, purſuant to the Claim of Right, ſhall remain and continue unalterably; and that the ſaid Preſbyterian government ſhall be the only government of the Church within this kingdom; and that this proviſion ſhall be held and obſerved in all time coming as a fundamental article and eſſential condition of any Treaty or Union that ſhall be concluded betwixt the two kingdoms; and that it be further ſettled with all the ſecurity that your Grace and the Eſtates of Parliament ſhall judge to be ſufficient.

And your petitioners do and ſhall ever pray, that God, only wiſe, may guide your Grace and the Eſtates of Parliament, not only to the full and effectual eſtabliſhment of our foreſaid Religion and Church government, and the concerns thereof; but likewiſe, in this whole great and weighty affair of the depending

Treaty, that the reſult and iſſue thereof may be the glory of God, the good and advantage of the people of this nation, in all things, both religious and civil, and for continuing of peace and amity in this whole iſland; and preſerving, under the Divine Protection, the Proteſtant intereſt at home and abroad, againſt all the contrivances of its reſtleſs enemies.

Signed in preſence, in name, and at the appointment, of the Commiſmiſſion of the General Aſſembly, by, *ſic ſubſcribitur*,

WILL. WISHEART, Moderator.

N° Cx.

Proclamation againſt Tumults and Rabbles.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith: to our Lyon king at arms, and his brethren heralds, macers of our Privy Council, purſevants, meſſengers at arms, our ſheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, greeting. Foraſmuch as, notwithſtanding that the raiſing of tumults be a moſt dangerous, pernicious, and unboundable practice, contrary to the very being and conſtitution of government, and deſtructive of the chief ends thereof, the ſafety and ſecurity of men's lives and fortunes; and that, by ſeveral acts of Parliament, ſuch as Ja. IId, par. 14. cap. 77. and Jac. IVth, par. 3d, cap. 34. it is ſtatute, that there be no commotion, nor riſing of commons in burrows, in hindering of the common law; and that if any does in the contrary, and knowledge or tent may be gotten thereof, their goods be confiſcate to the King, and their lives be at the King's will; as alſo, by the Act of Parliament Ja. VIth, par. 18. cap. 91. it is ſtatute, that no perſon within burgh take upon hand, under whatſomever pretext, to convocate, without the knowledge and licence of the magiſtrates, under the pain to be puniſhed in their body and goods with all rigour; as likeways, that the haill inhabitants of the ſaid burgh readily aſſiſt and concur with the magiſtrates, for ſettling and puniſhing the ſaid tumults, under the pain of being foſterers and maintainers thereof. Likeas, by the Act of Parliament, Ja. VIth, par. 17. cap. 4. it is ſtatute, that whatſoever perſon invades or purſues any of his Highneſs's Seſſion, Secret Council, or any of his Highneſs's officers; it being verified and tried, that they were purſued and invaded for doing of his Highneſs's ſervice, ſhall be puniſhed to the death. There hath happened, within theſe few days, and particularly on the twenty-third inſtant, and near to the Parliament-houſe, and in the Parliament-Cloſe, even the time of ſitting,

ſitting, and at the riſing of the high and honourable Court of Parliament, where our High Commiſſioner was preſent amongſt them, moſt diſorderly and inſolent convocations, and gathering of commons, filling the ſtreets with clamour and confuſion, and inſulting not only peaceable perſons, but alſo ſome of the members of our ſaid high and honourable Court of Parliament, preſuming to threaten and invade them in their very dwelling-houſes, by a moſt villainous and outrageous mob, which all perſons of juſtice, reaſon, and honour, ought to deteſt, and endeavour to ſuppreſs and prevent in the ſevereſt and ſtricteſt manner; therefore we, in the juſt reſentment of ſuch high indignities, and to prevent the like in all time coming, have thought fit, with advice of the Lords of our Privy Council, to ordain the magiſtrates of Edinburgh to continue their diligence, and make ſtrict inquiry and ſearch, and to cauſe apprehend all the authors, abetters, acceſſaries, or aſſiſtants, of the foreſaid convocations, mobs, and tumults, to the effect they may be brought to condign puniſhment; declaring, for that end, that whoſoever ſhall diſcover any of the ſaid authors or acceſſaries of the ſaid tumults, ſhall not only be himſelf indemnified, but have a due reward for ſo good ſervice: and further, we, with the advice foreſaid, ordain the magiſtrates of Edinburgh to call all the deacons of crafts, and maſters of their incorporations, and all others their houſholders and inhabitants, and oblige them for the good behaviour of their apprentices, ſervants, and domeſticks, in ſuch manner as the laws and cuſtoms of the burgh do allow; as alſo, that they call the regents and maſters of the College of Edinburgh, and enjoin them ſtrictly, that for hereafter they keep their ſcholars in good order, and be careful of their quiet and peaceable behaviour; and we ordain all the inhabitants of the ſaid burgh readily to aſſiſt and concur with the magiſtrates, for repreſſing and puniſhing all tumults, under the foreſaid pain of law: and farther, for preventing the like wicked inſolence in time coming, we, with advice foreſaid, hereby declare, that in caſe, and whenever any ſuch diſorderly convocation or tumult ſhall appear, or begin to appear for hereafter, and that thereupon intimation ſhall be made by the magiſtrates, to all and ſundry, to withdraw and retire to their reſpective houſes, ſhops, and employments; whatever apprentice, ſervant, journey-man, foot-man, or any other perſon, ſhall diſobey and be found upon the ſtreets, ſhall be repute and held as foſterers and maintainers of the ſaid tumults, and puniſhed accordingly: and it is farther ordered, that, after ſuch intimation made to all perſons to retire to their houſes, and clear the ſtreets, whoever ſhall be found thereafter diſobedient, and to continue upon the ſtreets, may be attacked and ſeized by the town-guard within the town of Edinburgh, and alſo by ſuch of our forces as upon ſuch occaſions have been, or ſhall be, called for, and ordered by our Privy Council to march in, and be aſſiſtant for the ſuppreſſing and diſſi-

pating of ſuch wicked tumults and diſorders, and that with all manner of force, and by all ſuch means as ſhall be neceſſary for that effect: and we, with advice foreſaid, do farther declare, that if any ſlaughter, mutilation, wounds, blood, or bruiſes, ſhall happen to be committed by the foreſaid guards, or any of our forces that ſhall be ordered for their aſſiſtance, or by their officers in obedience to theſe our orders, in ſuppreſſing and diſſipating of the ſaid tumults, and clearing the ſtreets thereof; the actors and authors thereof are hereby declared to be indemnified for ever, and we diſcharge all purſuit, civil or criminal, to be intented againſt them on the foreſaid account in all time coming, as having acted and done nothing but what was their duty: and in caſe any of our people ſhall dare to be ſo preſumptuous, after publication of the premiſes, to aſſemble or continue in arms, we hereby require and command the ſheriffs of our ſeveral ſhires, ſtewarts of ſtewartries, baillies of regalities and baronies, magiſtrates of burghs, and other officiars of our law, officers of our forces, and troops under their command, to paſs upon, diſperſe, and ſubdue, the ſaid convocations by open force, and all manner of violence, as enemies and open rebels to us and our Government; and in caſe any ſlaughter, blood, bruiſes, or mutilation, ſhall happen to be done and committed by our ſaid ſheriffs, and officers of our forces, and other magiſtrates foreſaid, or perſons under their command, we, with advice foreſaid, do hereby fully remit, pardon, and indemnify the ſame, and diſcharge the proſecution thereof, civilly or criminally, in all time coming. Our will is herefore, and we charge you, that ye paſs to the Mercat-Croſs of Edinburgh, and Mercat-Croſſes of Dumfreis, Lanerk, and Glaſgow, and other places needful, and there make publication hereof, by open proclamation of the premiſes, that none may pretend ignorance; and ordain theſe preſents to be printed, and our ſolicitors to ſend copies hereof to the magiſtrates of the reſpective burghs above-mentioned for that effect. Extracted forth of the records of Parliament, by

JA. MURRAY, Cls. Reg.

Given under our Signet, at Edinburgh, the twenty-fourth day of October, and of our reign the fifth year, 1706.

Per Actum Dominorum Secreti Concilii.

N°

N° Dx.

To his Grace, her Majeſty's High Commiſſioner, and the right honourable the Eſtates of Parliament.

The Addreſs of the Commiſſioners to the General Convention of the Royal Burrows of this antient Kingdom, convened the 29th of October laſt, upon the great concern of the Union propoſed betwixt Scotland and England, for concerting ſuch meaſures as ſhould be eſteemed proper for them to take, with relation to their Trade, and other concerns,

HUMBLY SHEWETH,

THAT as, by the Claim of Right, it is the privilege of all ſubjects to petition, ſo at this time, being moſtly impowered by our Conſtituents, and knowing the ſentiments of the people we repreſent, it is our indiſpenſable Duty, to ſignify to your Grace, and the honourable Eſtates of Parliament, That as we are not againſt an honourable and ſafe Union with England, conſiſting with the Being of this Kingdom and Parliaments thereof, without which we conceive neither our Religion, nor our Civil Intereſts and Trade as we now by Law enjoy them, can be ſecured to Us and our Poſterity, far leſs can we expect to have the condition of the People of Scotland, with relation to theſe great concerns, made better and improven without a Scots Parliament:

And, ſeeing by the Articles of Union, now under the conſideration of the honourable Eſtates of Parliament, it is agreed, that Scotland and England ſhall be united into one kingdom, and that the united kingdoms be united by one and the ſame Parliament, by which our Monarchy is ſuppreſt, our Parliaments extinguiſhed, and in conſequence our Religion, Church Government, Claim of Right, Laws, Liberties, Trade, and all that is dear to us, daily in danger of being encroached upon, altered, or wholly ſubverted by the Engliſh, in a Britiſh Parliament, wherein the mean repreſentation allowed for Scotland can never ſignify in ſecuring to us the Intereſt reſerved by us, or granted to us, by the Engliſh:

And by theſe articles our Poor People are made liable to the Engliſh taxes, which is a certain unſupportable burden, conſidering that the trade propoſed is uncertain, involved, and wholly precarious, eſpecially when regulate as to export and import by the laws of England, and under the ſame prohibitions and reſtrictions, cuſtoms, and duties; and conſidering, that the moſt conſiderable

branches of our Trade are differing from thoſe of England, and are and may be yet more diſcouraged by their laws; and that all the concerts of Trade, and our Intereſt, are, after the Union, ſubject to ſuch alterations as the Parliament of Great Britain ſhall think fit:

We, therefore, ſupplicate your Grace and the honourable Eſtates of Parliament; and do aſſuredly expect, that ye will not conclude ſuch an Incorporate Union as is contained in the articles propoſed; but that ye will ſupport and maintain the True Reformed Proteſtant Religion and Church Government as by law eſtabliſhed, the Sovereignty and Independency of this Crown and Kingdom, and the Rights and Privileges of Parliament, which have been generouſly aſſerted by you in the ſeſſion of this preſent Parliament: And do further pray, that effectual means may be uſed for defeating the deſigns and attempts of all Popiſh Pretenders whatſomever to the ſucceſſion of this Crown and Kingdom; and for ſecuring this Nation againſt all the Attempts and Incroachments that may be made, by any perſons whatſomever, upon the Sovereignty, Religion, Laws, Liberties, Trade, and Quiet of the ſame. And we promiſe to maintain with our lives and fortunes all theſe valuable things, in oppoſition to all Popiſh and other enemies whatſomever, according to our Laws, and Claim of Right.

Signed by Order, and in Preſence of the Convention, by

SAM. M'LELLAN, Preſes.

N° Ex.

THESE are to notify to all concerned, what are our reaſons for, and deſigns in, the burning of the printed Articles of the propoſed Union with England, with the names of the Scots Commiſſioners, ſubſcribers thereof; together with the minutes of the whole Treaty betwixt them and the Engliſh Commiſſioners thereanent.

WE have herein no deſign againſt her Majeſty, nor againſt England, or any Engliſhman; neither againſt our preſent Parliament, in their acts or actings for the intereſt, ſafety, and ſovereignty of this our native and antient nation; but to teſtify our diſſent from, diſcontent with, and proteſtation againſt, the

the twenty-five Articles of the ſaid Union, ſubſcribed by the foreſaid Commiſſioners, as being inconſiſtent with, and altogether prejudicial to, and utterly deſtructive of, this Nation's independency, Crown-rights, and our conſtitute laws, both ſacred and civil. We ſhall not here condeſcend upon the particular prejudices that do and will redound to this nation, if the ſaid Union ſhould be carried on according to the printed articles, but refer the reader to the variety of addreſſes given in to the preſent Parliament by all ranks, from almoſt all corners of this nation, againſt the ſaid Union; only we muſt ſay and profeſs, that the Commiſſioners for this nation have been either ſimple, ignorant, or treacherous, if not all three, when the minutes of the Treaty betwixt the Commiſſioners of both kingdoms are duly conſidered; and when we compare their daſtardly yieldings unto the demands and propoſals of the Engliſh Commiſſioners, who, on the contrary, have valiantly acquit themſelves for the intereſt and ſafety of their nation.

We acknowledge it is in the power of the preſent Parliament to give remiſſions to the ſubſcribers of the foreſaid Articles; and we heartily wiſh for a good agreement amongſt all the Members of the Parliament, ſo as it may tend to the ſafety and preſervation of both Church and State, with all the privileges belonging thereto, within the kingdom of Scotland.

But if the ſubſcribers of the foreſaid Treaty and Union, with their aſſociates in Parliament, ſhall preſume to carry on the ſaid Union, by a ſupream power, over the belly of the generality of this nation; then, and in that caſe, as we judge, that the conſent of the generality of the ſame, can only diveſt them of their ſacred and civil liberties, purchaſed and maintained by our Anceſtors with their blood; ſo we proteſt, whatever ratification of the foreſaid Union may paſs in Parliament, contrary to our fundamental laws, liberties, and privileges, concerning Church and State, may not be binding upon the nation, now or at any time to come: And particularly we proteſt againſt the approbation of the firſt Article of the ſaid Union, before the privileges of this nation, contained in the other articles, had been adjuſted and ſecured; and ſo we earneſtly require, that the repreſentatives in Parliament, who are for our nation's privileges, would give timeous warning to all the corners of the kingdom, that we and our poſterity become not tributary and bond-ſlaves to our neighbours, without acquitting ourſelves, as becomes men and Chriſtians: and we are confident, that the ſoldiers now in martial power, have ſo much of the ſpirits of Scotſmen, that they are not ambitious to be diſpoſed of at the pleaſure of another nation: and we hereby declare, that we have no deſign againſt them in this matter.

N° Fx.

OVERTURE for an Act for Security of the Church.

OUR Sovereign Lady, and the Eſtates of Parliament, conſidering, that by the late act of Parliament for a Treaty with England for an Union of both kingdoms, it is provided, that the Commiſſioners for that Treaty ſhould not treat of, or concerning, any alteration of the worſhip, diſcipline, and government, of the church of this kingdom, as now by law eſtabliſhed; which treaty being now reported to the Parliament; and it being reaſonable and neceſſary, that the true Proteſtant Religion, as preſently profeſſed within this kingdom, with the worſhip, diſcipline and government of this Church, ſhould be effectually and unalterably ſecured; therefore, her Majeſty, with advice and conſent of the ſaid Eſtates of Parliament, doth hereby eſtabliſh and confirm the ſaid true Proteſtant Religion, and the worſhip, diſcipline, and government, of this Church, to continue without any alteration to the people of this land in all ſucceeding generations; and more eſpecially, her Majeſty, with advice and conſent foreſaid, ratifies, approves, and for ever confirms, the 5th act of the 1 Parliament K. W. and Q. M. intituled, "Act ratifying the confeſſion of Faith, and ſettling Preſbyterian Church Govern-"ment, with the hail other acts of Parliament relating thereto, in proſecution of "the declaration of the Eſtates of this Kingdom, containing the Claim of Right, "bearing date the 11th of April 1689." And her Majeſty, with advice and conſent foreſaid, expreſsly provides and declares, That the foreſaid true Proteſtant Religion, contained in the above-mentioned Confeſſion of Faith, with the form and purity of worſhip preſently in uſe within this Church, and its Preſbyterian Church Government and Diſcipline, that is to ſay, the Government of the Church by Kirk-ſeſſions, Preſbyteries, Provincial-ſynods, and General-aſſemblies, all eſtabliſhed by the foreſaid acts of Parliament, purſuant to the Claim of Right, ſhall remain and continue unalterable; and that the ſaid Preſbyterian Government ſhall be the only government of the Church within the kingdom of Scotland; and further, for the greater ſecurity of the foreſaid Proteſtant Religion, and of the Worſhip, Diſcipline, and Government of this Church as above eſtabliſhed, her Majeſty, with advice and conſent foreſaid, ſtatutes and ordains, that, in all time coming, no Profeſſors, Principals, Regents, Maſters, or others bearing office in any univerſity, college or ſchool within this kingdom, be capable, or be admitted or allowed to continue in the exerciſe of their ſaid functions, but ſuch as ſhall own and acknowledge the civil government in manner preſcribed, or to be preſcribed, by the acts of Parliament. As alſo, that before

or

or at their admiſſions, they do and ſhall acknowledge and profeſs, and ſhall ſubſcribe to the foreſaid Confeſſion of Faith, as the confeſſion of their faith, and that they will practiſe and conform themſelves to the worſhip preſently in uſe in this Church, and ſubmit themſelves to the government and diſcipline thereof, and never endeavour, directly or indirectly, the prejudice or ſubverſion of the ſame, and that before the reſpective Preſbyteries of their bounds by whatſomever gift, preſentation, or proviſion, they may be thereto provided. And, further, her Majeſty, with advice foreſaid, expreſsly declares and ſtatutes, that none of the ſubjects of this kingdom ſhall be liable to, but all and every one of them for ever free of, any oath, teſt or ſubſcription, within this kingdom, contrary to or inconſiſtent with the foreſaid true Proteſtant Religion and Preſbyterian Church Government, Worſhip, and Diſcipline, as above eſtabliſhed, and that the ſame within the bounds of this Church and Kingdom ſhall never be impoſed upon, or required of them in any ſort. And, laſtly, that after the deceaſe of her preſent Majeſty (whom God long preſerve!) the Sovereign ſucceeding to her in the royal Government of this kingdom ſhall, in all time coming, at his or her acceſſion to the Crown, ſwear and ſubſcribe, that they ſhall maintain and preſerve the foreſaid ſettlement of the true Proteſtant Religion, with the Government, Worſhip, and Diſcipline, of this Church, as above eſtabliſhed, inviolably. And it is hereby ſtatute and ordained, that this act of Parliament, with the eſtabliſhment herein contained, ſhall be held and obſerved, in all time coming, as a fundamental and eſſential condition of any Treaty or Union to be concluded betwixt the two kingdoms, without any alteration thereof, or derogation thereto in any ſort, for ever: as alſo, that this act of Parliament, and ſettlement therein contained, ſhall be infert and repeated in any Act of Parlinment that ſhall paſs for agreeing and concluding the foreſaid Treaty or Union betwixt the two kingdoms; and that the ſame ſhall be there expreſsly declared to be a fundamental and eſſential condition of the ſaid Treaty or Union in all time coming.

N° Gx.

Agred to in the Commiſſion, November 8, 1706.

Unto His Grace, Her Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament.

The Humble Repreſentation and Petition of the Commiſſion of the General Aſſembly of this National Church,

SHEWETH,

THAT beſide the general addreſs already made by us, for ſecuring the Doctrine, Worſhip, Diſcipline, and Government, of this Church, and now under your conſideration, which with all gratitude we acknowledge, there are ſome particulars which, in purſuance of the deſign of our ſaid addreſs, we do with all humility lay before your Grace and Lordſhips.

I. That the Sacramental Teſt being the condition of acceſs to Places of Truſt, and to Benefits from the Crown, all of our Communion muſt be debarred from the ſame, if not in Scotland, yet through the reſt of the dominion of Britain, which may prove of moſt dangerous conſequence to this Church.

II. That this Church and Nation may be expoſed to the further danger of new Oaths from the Parliament of Britain, unleſs it be provided that no Oath, Bond, or Teſt, of any kind, ſhall be required of any Miniſter or Member of the Church of Scotland, which are inconſiſtent with the known principles of this Church.

III. There being no Proviſion in the Treaty of Union, for ſecuring of this Church by a Coronation Oath, that therefore, in the Coronation Oath to be taken by the Sovereigns of Great Britain, they be engaged to maintain the Doctrine, Worſhip, Diſcipline, and Government, of this Church, and the Rights and Privileges thereof, as now by law eſtabliſhed.

IV. That, in caſe the propoſed Union be concluded, the Church will ſuffer prejudice, unleſs there be a Commiſſion for Plantation of Kirks and Valuation of Teinds, and making up the Regiſters of that Court which were burnt, and a Judicatory in Scotland, for redreſſing grievances, and judging cauſes, which formerly were judged by the Privy Council, ſuch as the growth of Popery, and other irregularities, and with which Judicature the Church may correſpond anent Faſts and Thankſgivings.

V. Likewiſe

V. Likewiſe we do humbly repreſent, that, in the ſecond part of the Oath of abjuration in favours of the ſucceſſion in the Proteſtant line, there is reference made to ſome acts of the Engliſh Parliament, which every one in this nation, who may be obliged to take the ſaid Oath, may not ſo well know, and therefore cannot ſwear with judgment. As, alſo, there ſeems to us ſome qualifications required in the Succeſſor to the Crown, which are not ſuitable to our Principles.

VI. And in the laſt place, in caſe this propoſed Treaty of Union ſhall be concluded, this Nation will be ſubjected, in its Civil Intereſts, to a Britiſh Parliament; wherein twenty-ſix Prelates are to be conſtituent members and legiſlators; and leſt our ſilence ſhould be conſtructed to import our conſent to, or approbation of, the civil places and power of Church-men, we crave leave, in all humility, and due reſpect to your Grace and Honourable Eſtates of Parliament, to repreſent, that it is contrary to our known principles and covenants, that any Church-man ſhould bear Civil Offices, or have power in the Commonwealth.

Theſe things we humbly beſeech your Grace and Lordſhips to conſider, and provide ſuitable remedies thereto. And we ſhall pray, that the only wiſe God may ſo direct and guide your Grace and Lordſhips in theſe, and all other matters that lie before you, that the reſult of your conſultations may be the glory of God, the advantge of religion, the peace and comfort of her Majeſty (whoſe long and proſperous reign we heartily pray for), the preſervation of peace and truth in both kingdoms, and the welfare of this Church and Nation in particular, the ſatisfaction of all who truly love and fear the Lord therein, the peace of your own conſciences, and your comfort in the day of your accounts.

Signed in Name, in Preſence, and at the Appointment, of the foreſaid Commiſſion of the General Aſſembly, by

WILL. WISHART, Moderator.

N° Hx.

Reaſons given in to Mr. William Wiſhart, Moderator of the Commiſſion of the late General Aſſembly of the Church of Scotland, againſt the Repreſentation and Petition.

AT Edinburgh the twelfth day of November, one thouſand ſeven hundred and ſix years, by the under ſubſcribing noblemen and gentlemen, Elders in the ſaid Commiſſion, reaſons for diſſent entered, and proteſtation taken by them upon the ſeventh day of the ſaid month, in the meeting of the Commiſſion againſt an Addreſs propoſed to be made by the Commiſſion upon the grounds contained in ſix articles to the High Court of Parliament; which articles were, by ſeveral members of the Commiſſion, urged to be put to the vote for approbation in the form and terms following.

The Articles are as follows.

1. That the Sacramental Teſt being the condition of acceſs to places of truſt, and to benefits from the Crown, all of our Communion muſt be debarred from the ſame, if not in Scotland, yet through the reſt of the dominion of Britain, which may prove of moſt dangerous conſequence to this Church.

2. That this Church and Nation may be expoſed to the further danger of new oaths from the Parliament of Britain, unleſs it be provided that no oath, bond, or teſt of any kind, ſhall be required of any Miniſter or member of the Church of Scotland, which are inconſiſtent with the known principles of this Church.

3. There being no proviſion in the Treaty of Union for ſecuring of this Church by the Coronation Oath, that therefore, in the Coronation Oath to be taken by the Sovereigns of Great Britain, they be engaged to maintain the doctrine, worſhip, diſcipline, and government of this Church, and the rights and privileges thereof, as now by law eſtabliſhed.

4. That, in caſe the propoſed Union be concluded, the Church will ſuffer prejudice, unleſs there be a commiſſion for plantation of Kirks and valuation of Teinds, and making up the Regiſters of that Court which were burnt; and a Judicatory in Scotland, for redreſſing grievances, and judging cauſes, which formerly were judged by the Privy Council, ſuch as the growth of Popery, and other irregularities; and with which Judicatory the Church may correſpond anent Faſts and Thankſgivings.

5. Likewiſe

5. Likewiſe, we do humbly repreſent, That, in the ſecond part of the oath of abjuration, in favours of the Succeſſor in the Proteſtant line, there is reference made to ſome acts of the Engliſh Parliament, which every one in this Nation, who may be obliged to take the ſaid oath, may not ſo well know, and therefore cannot ſwear with judgment; as, alſo, there ſeems to us ſome qualifications required in the Succeſſor to the Crown, which are not ſuitable to our principles.

6. And, in the laſt place, in caſe the propoſed Treaty of Union ſhall be concluded, this Nation will be ſubjected in its civil intereſts to a Britiſh Parliament, wherein twenty-ſix Prelates are to be conſtituent members and legiſlators; and, leſt our ſilence ſhould be conſtructed to import our conſent to, or approbation of, the civil places and power of Church-men, we crave leave, in all humility and due reſpect to your Grace and honourable Eſtates of Parliament, to repreſent, that it is contrary to our known principles and covenants, that any Church-man ſhould bear civil offices, or have power in the Common-wealth.

Againſt which Articles and Addreſs propoſed, the ſaid Elders did before the Vote proteſt, and take Inſtruments in the Hands of the Clerk of the Commiſſion,

For the Reaſons following.

1. The Commiſſion of the General Aſſembly having already addreſt to the Parliament, for ſecuring the doctrine, worſhip, diſcipline, and government, of this Church, and that Addreſs being read in the Houſe upon the 17th of October laſt, the Parliament did thereupon declare, that, before concluding the Union, they would take the ſaid Addreſs to their conſideration, and would do every thing neceſſary for ſecuring the true Proteſtant Religion and Church Government preſently by law eſtabliſhed in this kingdom; which aſſurance, we conceive, the Commiſſion may very well rely upon, ſeeing it is not to be doubted, that the Parliament will, in due time, when the Addreſs is taken to conſideration, make all neceſſary proviſions for ſecuring our Religion and Church Government by law eſtabliſhed; and it may be conſtructed jealouſy, or diffidence in this Commiſſion, to preſs and purſue the ſaid Addreſs further, before it appear what ſteps and progreſs the Parliament ſhall make upon it, eſpecially ſeeing there are ſo many Elders of this Commiſſion who are members of the Houſe, and, being heartily concerned for the Church's intereſt, will certainly take care that nothing be omitted or forgot to be repreſented in Parliament which is neceſſary for the Church's ſecurity.

2. The Parliament having, upon the 15th of October laſt, voted to proceed preſently to the conſideration of the articles of the Treaty of Union, which might

be

be known to all by the publiſhed minutes, we conceive it not decent or ſuitable to the prudence of this Commiſſion to preſent a new Addreſs relating to the ſubject of the former, whereby the Houſe may be impeded in its procedure, which may cauſe a longer delay of conſidering the firſt Addreſs, by occaſioning new queſtions and debates in the Houſe.

3. The ſixth article of the now intended Addreſs contains matters which, we conceive, are not within the ſphere and compaſs of the Commiſſion's buſineſs preſcribed to them by the General Aſſembly. Yet a wide ſtep is made in quarrelling and objecting to the conſtitution of the Parliament of England, the repreſentative of that nation, with which this is now in a Treaty about an Union; likewiſe in that article the form and frame of the civil policy and government of England, in the extent and latitude of it agreeable to its laws, is reflected upon and challenged; all which, in our opinion, inſinuates a blaming and condemning our Parliament for treating of an Union with a kingdom ſo circumſtantiated as England is.

4. Whatever the conſtitution of the Parliament of England now is, and whatever may be the conſtitution of the Parliament of Great Britain after the Union, the preſent legal eſtabliſhment of our Church is not alterable by it, that being without the bounds of the Treaty, which can reach no farther than the civil policy and government of the United Kingdom; beſides that our legal eſtabliſhment will no doubt be further fenced and fortified, when the Commiſſion's Addreſs is taken into conſideration by the Parliament.

5. The Parliament having, upon the fourth of this month, voted that the two kingdoms of Scotland and England ſhall, upon the firſt day of May next enſuing, and for ever after, be united into one kingdom by the name of Great Britain, with this proviſion (that if the Articles of Union be not adjuſted by the Parliament, then the agreeing to and approving of the firſt ſhall be of no effect); we apprehend it may be of dangerous conſequence to preſent now any Addreſs which may admit of a conſtruction oppoſite to that vote in Parliament; and certainly it would not be excuſeable in any, who are members in the Houſe, to concur in an Addreſs of that ſort.

So being fully perſuaded, that the way of proceeding by the new Addreſs now intended will tend to the great diſadvantage and prejudice of the Church as now eſtabliſhed, and of the Preſbyterian Intereſt, we found ourſelves obliged to enter our diſſent, and to proteſt, *Sic ſubſcribitur*, Rothes, Marchmont, Polwarth, George Baillie, Alexander Ogilvie, J. C. Auchinbreck, J. Campbell,

The

The Commiſſion of the General Aſſembly, Reply to the Reaſons given by the Elders for their Proteſt, intituled,

Some modeſt Animadverſions by way of Reply to a Paper intituled, Reaſons, &c. *ut ſupra.*

IT was a great grief to the Commiſſion, when it pleaſed ſome of our honourable friends of the ruling Elders to proteſt againſt the vote, whether the ſixth Article of the Commiſſion's ſecond Addreſs ſhould be added to the other articles formerly agreed to; and it doth add no little to our grief, that a paper is given in with reaſons againſt the whole Addreſs; whereas they may remember the firſt three of the articles of the ſaid Addreſs were unanimouſly agreed unto before.

We do ſincerely profeſs, we have ſuch a ſenſe of, and confidence in, the kindneſs of theſe noble and honourable perſons to this Church, that it afflicts us when in any thing we cannot comply with their opinion; but we hope they will excuſe us, when purely our conſcience towards God maketh us differ.

We heartily wiſh this debate ſopite, and that yet it would pleaſe them to take up this paper; perhaps, on more mature and ſecond thoughts, they may ſee there is no ground to be ſo ſevere againſt our ſecond Addreſs, as to cenſure it as jealouſy or diffidence of the Parliament, or our friends in it, as in the firſt reaſons; and of indecency and unſuitable to prudence, as reaſon ſecond; or dangerous and ſuch as may be conſtrued as contrary to a vote of Parliament, November the fourth, as in reaſon 5th. For, the firſt Addreſs being general, the ſecond was but a humble repreſentation of ſome particulars we humbly deſired might be minded, when it pleaſed the Parliament to reſume the conſideration of the firſt Addreſs, leaving the time to the wiſdom of the Parliament, we being far from any deſign to occaſion delay or debate; and it hath pleaſed the Parliament to inſert diverſe of the things there deſired in the act for the ſecurity of the Church, and we would gladly hope they will conſider the reſt of them in due time.

But, we conceive, it is the 6th Article againſt which the chief offence is taken, and againſt which the 3d and 4th Reaſons are levelled; but our honourable friends know, there had been much reaſoning on that head for diverſe days; and when there was no appearance of unanimity, how could the Commiſſion ſhun a vote for deciſion of the difference? nor can we be perſuaded that the Commiſſion went in their vote without the ſphere and compaſs of the buſineſs preſcribed to them by the General Aſſembly, or made a wide ſtep in quarrelling and objecting to the

the conſtitution of the Parliament of England, as is alledged in reaſon 3d. For it was oft told in the conference and debate, we did not meddle with the conſtitution of the Parliament of England, as the Parliament of England, though we cannot command our judgment to an approbation of it; nor do we ſpeak any thing againſt treating with the Parliament of England, as the repreſentative of that nation; nor doth it blame our Parliament for treating with them, for they treat with the Parliament of Scotland as the repreſentative of the nation; which as theirs is in its frame eſtabliſhed by the laws of the land, yet a regulation thereof is treated of for conſtituting the Britiſh Parliament. Why then ſhould there be ſo much offence taken, that in due ſeaſon, before the concluſion of the Treaty, it is humbly repreſented to the Parliament, that, in caſe the propoſed Treaty of Union be concluded, this nation will be ſubjected in its civil intereſts to a Britiſh Parliament, wherein twenty-ſix Prelates are to be conſtituent members and legiſlators?

We do not ſpeak in that 6th Article of the legal eſtabliſhment of our Church, and ſo the 4th reaſon toucheth not this point.

And could any thing be more modeſtly expreſt, than this is by the Commiſſion in their Addreſs, in theſe words:

"And leſt our ſilence ſhould be conſtructed to import our conſent to, or ap-
"probation of, the civil places and power of Church-men, we crave leave, in all
"humility and due reſpect to your Grace and honourable Eſtates of Parliament,
"to repreſent that it is contrary to our known principles and covenants, that
"any Church-man ſhould bear civil offices, or have power in the Common-
"wealth."

Nor can we ſee how this Addreſs doth of its own nature tend to the diſadvantage of the eſtabliſhed Church and Preſbyterian intereſt.

But, as we have charity towards them, we expect the ſame charity towards us, acting purely from conſcience towards God; and we intreat and expect the continuance of their kindneſs to this Church;

N° Kx.

Unto his Grace her Majeſty's High Commiſſioner, and the Moſt Honourable the Eſtates of Parliament.

The Repreſentation and Petition of the Commiſſion of the General Aſſembly of this National Church of SCOTLAND.

Edinburgh, January 16th, 1707,

HUMBLY SHEWETH,

THAT we, conſidering the truſt repoſed in us by the late General Aſſembly, find it our duty to lay before your Grace and Lordſhips, when, as we are informed, you are about the paſſing of an Act of Ratification of the Articles of the Treaty of Union betwixt the two Kingdoms of Scotland and England, which contains theſe following words: "Declaring, nevertheleſs, that the Parliament of "England may provide for the ſecurity of the Church of England as they ſhall "think expedient, to take place within the bounds of the ſaid Kingdom of "England, and not derogating from the ſecurity above provided, for eſtabliſhing "the Church of Scotland within the bounds of this Kingdom, which ſhall not "ſuſpend or derogate from the force and effect of this preſent ratification; but "ſhall be underſtood as here included, without any neceſſity of any new ratifi-"cation in the Parliament of Scotland:" which clauſe ſeems to us not only to be like a blank, put, with your Grace and Lordſhips conſent, in the hands of the Parliament of England, to enact what they ſhall think fit for ſecuring the hierarchy and ceremonies of their Church; but alſo a conſent that it be an Article and Fundamental of the Union, and, as is contained in your ratification, cannot but imply a manifeſt homologation:

We do, therefore, humbly beſeech your Grace and Lordſhips, that there be no ſuch ſtipulation or conſent for the eſtabliſhment of that hierarchy and ceremonies, as you would not involve yourſelves and this Nation in guilt, and as you conſult the peace and quiet of this Nation, both in Church and State. We pray that God may bleſs and preſerve our gracious Queen, and direct your Grace and Lordſhips in this and all the great and momentous affairs which are or may be before you.

Signed in name, in preſence, and at the appointment, of the Commiſſion of the late General Aſſembly, by, *ſic ſubſcribitur*,

WILL. WISHEART, Moderator.

N° Lx.

To his Grace her Majeſty's High Commiſſioner, and the Right Honourable Eſtates of Parliament, the humble Addreſs of the Preſbytery of Dumblane,

SHEWETH,

THAT, we having ſeen the ſeveral faithful and ſeaſonable Addreſſes and Repreſentations of our brethren of the Commiſſion to your Grace and Lordſhips, all which we concur in, and agree to, as expreſſive of our known and covenanted principles; and though it may appear unneceſſary that we ſhould give your Grace and the Honourable Eſtates of Parliament any trouble this way, yet, from a ſenſe of the duty we owe to God at this juncture, to our gracious Sovereign Queen Anne (whom the Lord long preſerve for a bleſſing to this Church and Nation!), and to your Grace and Lordſhips, we could not forbear in all humility to repreſent how much we are alarmed with the preſent ſcheme of Union in the printed Articles, as apprehending the fatal conſequences thereof in the event of a Britiſh Parliament to our Sacred and Religious concerns, and to which we cannot go in, without guilt before God, in a manifeſt breach of our ſolemn covenants, by which we are engaged againſt eccleſiaſtical perſons being legiſlators in the Common-wealth (the ſetting up of publick maſs, and Engliſh ceremonies; the illegal and diſorderly practices of the Epiſcopal Clergy, from the hopes of a Popiſh Succeſſor to the Crown, without any effectual redreſs from the Government, notwithſtanding of repeated application made by this Church), do give juſt umbrage of what may be expected when Scotland and England are united into one kingdom, and repreſented by one and the ſame Parliament:

May it therefore pleaſe your Grace, and the Honourable Eſtates of Parliament, to be tender of the peace and quiet of this Church and Nation, and ſettle the Succeſſion in the Proteſtant line, and to do nothing that may be prejudicial to this National Church in any of its religious or ſacred intereſts, which her Majeſty in her gracious letter, backed with your Grace and my Lord Chancellor's ſpeeches to this preſent ſeſſion of Parliament, give juſt ground to expect.

N°

N° Mx.

Unto his Grace her Majeſty's High Commiſſioner, and the Right Honourable Eſtates of Parliament; the humble Addreſs of the Barons and Freeholders within the Stewartry of Kirkcudbright.

WE the Barons, Freeholders of the ſaid Stewartry of Kirkcudbright, underſubſcribing, having ſeen the Articles of the Union agreed upon by the Commiſſioners nominate on behalf of the Kingdom of Scotland, and the Commiſſioners nominate on behalf of the Kingdom of England, in which they have agreed, that Scotland and England ſhall be united into One Kingdom, the which United Kingdom ſhall be united by one and the ſame Parliament; and ſeeing it doth evidently appear to us, that ſuch an incorporating Union as is contained in the ſaid Articles is contrary to the honour, fundamental laws, and conſtitutions of this Kingdom, claim of right, and rights and privileges of the Barons and Freeholders of this Kingdom, and that the ſame is deſtructive to the true intereſt of the Nation; and being likewiſe apprehenſive of the danger that evidently threatens our Church-government from a Parliament where there is not one member of that communion: Therefore, we humbly beſeech your Grace, and the Honourable Eſtates of Parliament, that ye will not promote any ſuch incorporating Union; but do confidently expect that ye will ſupport and preſerve entire the Sovereignty and Independency of this Crown and Kingdom, and the rights and privileges maintained by our heroic anceſtors for the ſpace of near two thouſand years, that the ſame may be tranſmitted to ſucceeding generations as it has been conveyed to us; and we will heartily concur with you for ſupporting and maintaining our Sovereignty and Independency with our lives and fortunes, conform to the qualified laws of the Nation.

N° Nx.

Unto his Grace her Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament; the humble Addreſs of the Preſbytery of Hamilton,

SHEWETH,

THAT we heartily concur with the Addreſſes made by the Commiſſion of the General Aſſembly to your Grace and Lordſhips, and do believe that there is

a full unanimity therein amongſt the miniſters of this National Church, both as to the matter of theſe Addreſſes, and in their humble and earneſt deſires that the Honourable Eſtates of Parliament may take them into further conſideration, to prevent the fears and dangers of this Church, that may enſue from an incorporating Union with England in the terms of the Treaty offered to the Parliament.

But that which more eſpecially obliges us in duty and conſcience, as Miniſters of the Goſpel of peace, moſt humbly to interpoſe with your Grace and Lordſhips, is, the lamentable and diſtracted ſtate of the Kingdom, and particularly the people under our paſtoral charge, from the ſad apprehenſions they have, and have expreſſed in their ſeveral Addreſſes to the Parliament, of the woeful effects and conſequences of ſuch an Union to their liberties, both civil and religious; and that it cannot be entered into by the nation in the terms without incurring the guilt of national perjury: and though hitherto we have endeavoured to keep them from breaking out, yet the ferment and diſſatisfaction doth ſo increaſe amongſt all, that we are juſtly afraid of what theſe things may turn unto.

We do, therefore, after ſerious ſupplication at the Throne of Grace, moſt earneſtly implore, and with all humility beſeech, in the bowels of our Lord Jeſus Chriſt, that your Grace and Lordſhips may compaſſionate the trembling ſtate of this Church and Nation, and liſten as it were to their dying groans; God having put it in your hands to allay their fears, avert their dangers, and prevent the dreadful confuſions that threaten this land, by laying aſide this incoporating Union with England, as offered in the Treaty; and by ſupplicating her moſt gracious Majeſty (for whoſe long and happy reign over us we do, and always ſhall, moſt heartily pray; and upon whoſe royal aſſurances, in behalf of this Church, we do moſt chearfully rely), that the Proteſtant ſucceſſion to the ſovereign and independent Crown of this Kingdom may be ſettled by an Act of our own Parliament; and that no incorporating Union with England may be concluded until her Majeſty ſhall be pleaſed to call the General Aſſembly of this Church, which, being the National Church eſtabliſhed by Law, and founded on the Nation's Claim of Right, hath an undoubted right to be conſulted about her own Securities, before any ſuch Union be entered into with a government of another communion, where that government is to be in a manner ſole maſter of the whole adminiſtration.

Theſe things we moſt humbly beg of your Grace and Lordſhips, as our protectors and patrons under God, beſeeching you to hearken unto us, that God may hearken unto you, and give you peace and comfort in the day of your accompts.

Sic ſubſcribitur.

N°

N° Ox.

A Letter from the Commiſſion of the General Aſſembly to the Preſbytery of Hamilton.

Edinburgh, December 6th, 1706.

R. D. B.

THE General Aſſembly of this Church having appointed us to take care that it ſuffer no prejudice through neglect of due application to the Honourable Eſtates of Parliament, or any other Judicatory concerned in the management of publick affairs; we have in this juncture, wherein a Treaty of Union with the neighbouring Kingdom is under deliberation before the Repreſentatives of our Nation, endeavoured, and are ſtill endeavouring, to exoner our conſciences, in doing what we judge incumbent upon us, for ſecuring the doctrine, worſhip, diſcipline, government, rights, and privileges, of this Church, as now by the great goodneſs of God the ſame are eſtabliſhed among us: and being informed of diſorders and tumults in ſome parts of the country, which the enemies of our preſent happy eſtabliſhment may be ready to improve, though without ground, to the diſadvantage and reproach of this Church; we do look upon it as our duty to recommend to all our brethren, that, as they have in their ſtations acceſs, they do diſcountenance and diſcourage all irregularities and tumults that tend to diſturb the Government of our gracious Sovereign the Queen, to whom we are in gratitude, as well as duty, under the higheſt obligations, ſeeing, in the kind Providence of God, we by her good and wiſe management enjoy ſo many advantages, and upon whoſe preſervation our peace, and the ſecurity of all that is dear to us, do under God much depend. This in name, and by the order, of the Commiſſion of the General Aſſembly of this National Church, is ſubſcribed by

R. D. B.

For the right reverend the Moderator and remanent Members of the Preſbytery of Hamilton.

Your affectionate brother and ſervant in the Lord,

WILLIAM CARSTAIRS,
Moderator *pro tempore*.

N° Px.

The Anſwer of the Preſbytery of Hamilton to the Letter from the Commiſſion of the General Aſſembly.

Bothwel, 17 Decemb. 1706.

R. D. B.

YOUR letter, ſigned by the R. Mr. Carſtairs, Moderator *pro tempore*, we received this day, being our firſt meeting after its date of the 6th inſtant, wherein there is mention of your being informed of diſorders and tumults in ſome parts of the country, which you recommend unto us to diſcountenance and diſcourage as we have acceſs.

We know there have been many reports ſpread abroad of tumults and diſorders, not only in Glaſgow, which is too true, but in other places within the ſhire of Lanerk; which, as to the bounds of our Preſbytery, are groſsly falſe; and we have reaſon to believe them to be ſo likewiſe as to the reſt of the ſhire. We have heard alſo of ſome calumnious ſtories induſtriouſly diſſeminated concerning ſome of our number. With reſpect to theſe pretended diſorders, which are not only contrary to truth, but to common ſenſe, we wiſh the forgers and ſpreaders may be forgiven: they act in this neither the part of good Chriſtians, nor of good ſubjects.

As to the diſpoſition of the people, the plain truth is, that they are generally moſt averſe from the Union; and many have expreſſed themſelves broadly enough againſt it, as what they fear may prove an irremediable evil, if it ſhould be concluded, wiſhing that ſome ſtop might be put to it: and we have not been wanting, as there was occaſion, to adviſe and exhort the people to calmneſs and regularity, and to refrain from any undue keenneſs might be in their words: but we muſt ſay, that it is utterly falſe and malicious to ſuggeſt, that there hath been the leaſt tumult or irregular practice among them ſince this Union came in queſtion, far leſs any ſhadow or appearance of any undutiful or diſloyal thought of her Majeſty; yea, there has not been ſo much as the leaſt motion towards their accuſtomed ordinary rendezvous warranted by law ſince the publiſhing of a Proclamation and Act forbidding the ſame. It is true, that ſome of thoſe raſh youths who broke out from Glaſgow paſſed through our bounds, but they were not allowed to make any ſtay, nor received the leaſt encouragement at any hand, for aught we know; ſo that we can well aſſure the R. Commiſſion, there is as much peace and quiet within the whole bounds of this Preſbytery as in any place of the kingdom.

We

We have heard, with much ſatisfaction, of the zeal which the R. Commiſſion hath ſhewed by their Addreſſes mentioned in your letter, for the intereſts of the Church at this time, when they are in ſo eminent hazard, and we have teſtified our concurrence therewith by our Addreſs to the Parliament: but we are ſtill of opinion, that the preſſing neceſſity of the preſent juncture, and the manifeſt impoſſibility (in the event of ſuch an Union as is moulded in the Treaty) of ſecuring this Church in any of her precious concerns, now eſtabliſhed by the Laws and Conſtitution of our own Government and Kingdom, doth not only require the continuance of aſſiduous application to the Right Honourable Eſtates of Parliament, but likewiſe that the Commiſſion, in name of this Church, teſtify againſt the concluding of any Union with England, upon the foot of this Treaty, till the General Aſſembly of this National Church, according to her undoubted right, as we have ſhewed in our Addreſs, be called and allowed to conſider of ſolid and eſſential ſecurities for the Church in ſuch an exigence. This, we humbly think, the truſt repoſed in the Commiſſion, and faithfulneſs to the Church of Scotland, both in the preſent and ſucceeding generations, doth undeniably demand. Thus, heartily recommending you to divine conduct and aſſiſtance, we reſt,

R. D. B.

Your moſt affectionate brethren, and humble ſervants in the Lord, the Miniſters of the Preſbytery of Hamilton; ſubſcribed in their name, and by their order, by

ALEX. FINDLATER, Moderator.

For the right reverend the Moderator, and remanent Members of the Commiſſion of the General Aſſembly at Edinburgh.

N° Q x.

To his Grace her Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament; the humble Addreſs of the Magiſtrates, Town-Council, Burgeſſes, and Inhabitants, of the Burgh of New-Galloway.

WE the Magiſtrates, Town-Council, Burgeſſes, and Inhabitants of the ſaid Burgh of New-Galloway, under-ſubſcribing, having ſeen the Articles of the Union agreed upon by the Commiſſioners nominate in the behalf of the Kingdom

Kingdom of Scotland, and the Commiſſioners nominate in the behalf of the Kingdom of England, in which they have agreed, that Scotland and England be united in one Kingdom; and that the United Kingdom be repreſented by one and the ſame Parliament; and ſeeing it does evidently appear to us, that ſuch an incorporating Union, as is contained in the ſaid Articles, is contrary to the Honour, Fundamental Laws, Conſtitution of this Kingdom, and Claim of Right, by which our Liberty and Preſbyterian Government in the Church are ſecured; and alſo contrary to the birth-right of the Peers, and rights and privileges of the Barons, Free-holders, and Burghs of the kingdom; and that the ſame is deſtructive to the true intereſt of the nation:

Therefore, we humbly beſeech your Grace and Honourable Eſtates, and do confidently expect, that ye will not allow of any ſuch Incorporating Union; but that ye will ſupport and preſerve the Sovereignty and Independency of this Independent kingdom, and the rights and privileges of Parliament, which has been ſo valiantly maintained by our heroic anceſtors for the ſpace of near two thouſand years; that the ſame may be tranſmitted to ſucceeding generations as it has been conveyed to us; for we are reſolved to defend and ſupport our Crown and Independent Sovereignty with our lives and fortunes, conform to the eſtabliſhed Laws of this nation.

N° Rx.

(Thurſday, 19th of December, 1706.)

To his Grace her Majeſty's High Commiſſioner, and the Right Honourable the Eſtates of Parliament; the humble Addreſs of the Magiſtrates, Town-Council, Merchants, Deacons of Crafts, and others, Tradeſmen and Inhabitants of the Burgh of Dumfermling.

WE the Magiſtrates, Town-Council, Merchants, Deacons of Crafts, and other Tradeſmen and Inhabitants, within the Burgh of Dumfermling, under-ſubſcribing, having ſeen and conſidered the Articles of the Union agreed upon by the Commiſſioners for the Kingdoms of Scotland and England; in which they have agreed, that Scotland and England be united into One Kingdom; and that the United Kingdom ſhall be repreſented by one and the ſame Parliament: and ſeeing it does evidently appear, that ſuch an Incorporating Union,

as

as is contained in the ſaid Articles, is contrary to the Honour, Fundamental Laws, and Conſtitution of this kingdom, Claim of Right, and Rights and Privileges of the Burrows and Church-government, as by Law eſtabliſhed; and that the ſame is deſtructive to the true intereſt of this Nation; therefore, we humbly beſeech your Grace and the Honourable Eſtates, and do confidently expect, that you will not allow of any ſuch Incorporating Union; but that you will ſupport and preſerve entire the Sovereignty and Independency of this Crown and Kingdom, and the Rights and Privileges of Parliament, which have been ſo valiantly maintained by our heroick anceſtors for near two thouſand years; that the ſame may be tranſmitted to ſucceeding generations as they have been conveyed to us; and we will heartily concur with you for ſupporting and maintaining our Sovereignty and Independency with our lives and fortunes, conform to the Laws of the Nation.

TOWN COUNCIL.

David Adie, Baillie.
David Adie younger, Baillie.
Jerome Cowie, Dean of Gild.
William Wilſon, Treaſurer.
David Wilſon, Counſellor.
John Cowie, Counſellor.
James Meldrum, Counſellor.
John Adie, Deacon Conveener.
Laurance Henderſon, Counſel.
William Inglis, Counſellor.
William Findlay, Counſellor.
William Young, Counſellor.
James Walls, Counſellor.

MERCHANTS.

William Black.
Henry Elder.
Robert Anderſon.
John Hart.
John Balfour.
William Wilſon.
Thomas Mitchel.
Andrew Rolland.
Robert Adie.
Charles Chambers.
John Hay.
Patrick Clow.
Joſeph Kirk.
John Couper.
William Wilſon.
Robert Robertſon.
James Dick.
David Gray.
George Chriſtie.
John Watſon.
Patrick Currie.
John Brown.
John Allan.
James Pringle.
John Bethon.
Robert Wilſon.
David Meldrum.
Robert Walker.

WRIGHTS.

John Main, Deacon.
Andrew Wilſon.
John Simpſon.
John Potter.

George Walker.
George Walls.
Thomas French.
Thomas Bonnar.
John Henderſon.
James Henderſon.
John Main.
James Kirk.
Patrick Thomſon.
William Hutton.
James French.
Thomas Richardſon.

MASONS.

James Simel.
Charles Young.
David Hunter.
James Somervel.
David Purvas.
William Murgain.

SHOE-MAKERS.

Andrew Duncan, Deacon.
George Stewart.
John Young.
Andrew Main.

FLESHERS.

John Hodge, Deacon.
James Cuſin.
Robert Kirk.
John Belfrage.
Thomas Beverage.
Thomas Beverage.
George Philp.
William Taylor.
William Welwood.
John Burly.
Andrew Belfrage.

WEAVERS.

John Wilſon, Deacon.
James Wilſon.
John Stark.
Patrick Hutton.
James Turnbul.
David Marres.
James Wilſon.
Charles Kirk.
Andrew Wilſon.
William Kirk.
Thomas Dryſdale.
Thomas Richardſon.
Alexander Douglaſs.
John Gotterſon.
John Black.
John Williamſon.
William Wilſon.
David Dalgliſh.
John Ker.
Andrew Wilſon.
James Shortlands.
John Wilſon.
John Wilſon, *alter.*
Robert Gotterſon.
Robert Wilſon.
Robert Strachan.
Robert Buiſt.
John Durham.
Robert Dalglieſh.
Adam Robertſon.
Andrew Young.
Robert Black.
Robert Stark.
Thomas Bean.
Magnus Malcolm.
Robert Inch.
George Pullans.
William Beanny.

Robert

Robert Mackraigh.
John Inglis.
John Mackraigh.

TAYLORS.

James Richardſon.
Robert Donald.
Andrew Hepburn.
Alexander Coventry.
Thomas Hanna.
James Henderſon.
John Jamiſon.
William Hodge.
Alexander Couper.
John Horn.
James Kellock.
James Wardlaw.
Robert Bauld.
James Hall.
James Richardſon.
James French.
John Wilkie.

SMITHS.

James Law.
David Black.
Thomas Wilſon.
John Cunighame.
Adam Stevinſon.
William Anderſon.
James Smith.

BAXTERS.

William Ker.
John Anderſon.
Robert Adamſon.
Robert Donald.
James Buiſt.
Robert Ferguſon.
George Crawfurd.
James Legat.
John Buntine.

Ego Andreas Sympſon, Notarius Publicus ac Scriba dicti Burgi de Dumferling, ſpeciali mandato Davidis Sands, Gulielmi Pierſon, Jacobi Band, et Gulielmi Robertſon, Fabrorum Ferrariorum in dicto Burgo, ac Roberti Wellwood, Andreæ Smeitton, Jacobi Willſon, Calcearіorum in dicto Burgo, et Joannis Rea, Jacobi Beannie, Thomæ Willſon, Joannis Hepburn, et Jacobi Maſſertoun, Sartorum in dicto Burgo, et Eduardi Ovenwhyt, Andreæ Beanny, et Joannis Beanny, Fabrorum Murariorum ibidem, ac Petri Nigrew, Alexandri Grieve, Roberti Crawfoord, Johannis Brown, Andreæ Morris, Roberti Durham, Gulielmi Kirk, Andreæ Kirk, Joannis Hoggan, Roberti Haggan, Patricii Stevenſon, Alexandri Gilleſpie, et Petri Cairns, Textorum ibidem, et Andreæ Chriſtie, Jacobi Walker, Gulielmi Walker, Davidis Chriſtie, Gulielmi Eaſan, Jacobi Brown, et Joannis Thomas, Fabrorum Lignariorum, et Gulielmi Cuſin Lanionis in dicto Burgo, pro illis omnibus ſcribere neſcien. ut aſſeruerunt ſpecialiter requiſitus ſubſcribo, ſic ſubſcribitur.

AND. SYMPSON, N. P.

The names of the perſons ſigning this Addreſs are put in here, not that it was very material as to the perſons, but as a ſpecimen of the manner how theſe addreſſes were uſually ſigned.

Here follows the ſeveral ſtates of the revenues and debts of the reſpective kingdoms of England and Scotland, as they were diſtinctly and ſeparately ſtated by the order, and for the ſervice, of the Commiſſioners of both Kingdoms, appointed to treat of the Union; with the ſeveral valuations and calculations, appropriations, proportions, and net produce, as they were laid before the ſaid Commiſſioners, being the ſame referred to in that part of this hiſtory, intituled, Of the Treaty in London, fol. 104.

N° Sxx.

A STATE of the Revenues and Publick Income of the Kingdom of England, *viz.*

The Revenues appropriated for the better ſupport of her Majeſty's houſhold, and of the honour and dignity of the Crown (by an act 1 Annæ Reginæ) during her Majeſty's life.

	Per annum, per annum.
THE Exciſe of 2*s.* and 6*d. per* barrel on beer, ale, &c. excluding 3700*l.* a week appropriated thereout for publick uſes, and including ſo much of the charges of management, as is paid by the Caſhier, according to a *medium* of three years laſt paſt, amounts to —— ——	286178 0 0
The further ſubſidies of tonnage and poundage, and other duties upon wines, goods, and merchandizes imported (excluſive of drawbacks by debentures and allowances for damaged goods by like medium, is —— ——	356841 0 0
The revenue of the General Letter-office, or Poſt-office, by a like medium, including charges of management paid by the Receiver, is —— —— ——	101101 0 0
The produce of the fines ariſing in the Alienation-office, (including the neceſſary expences of the Court of Chancery, and other charges born thereout) is by a medium ——	4804 0 0

The

	Per annum,	*per annum.*
The paſt fines by a reſerved rent on a grant thereof in being, is — — — —	2276	o o
The produce of the revenue ariſing by wine licences, including charges of management, by a medium, is — —	6314	o o
Sheriffs profits, *communibus annis*, about —	1040	o o
Compoſitions in Exchequer by a medium of three years —	13	o o
Seizures of uncuſtomed and prohibited goods the like —	13005	o o
The revenue of the Dutchy of Cornwall, conſiſting of the cuſtom, coinage, duty of tin, rents of lands, fines of leaſes, and other revenues certain and caſual, amount to about — —	9869	o o
The revenue of the Principality of Wales, about —	6857	o o
Other revenues, ariſing by rents of lands, and fines of leaſes, &c. by a medium of what paid into the Exchequer in laſt three years, amount to about — — —	2906	o o
So the total of the revenues, reckoning upon a medium as aforeſaid, and including the ſaid charges of raiſing the ſame, is about — — — — —	691240	o o

The other Publick Income.

Cuſtoms and ſubſidies of tonnage and poundage, by ſeveral acts of Parliament, continue till the 1ſt Auguſt, 1710, and are appropriated for diſcharging ſuch debts or incumbrances as in the ſaid acts are mentioned; theſe, excluding drawbacks by debentures, portage-bills, and allowances for damaged goods, and including charges of management paid by the caſhier, according to a medium of three years laſt paſt, do produce about — — — — —	345704	o o
Impoſitions on wines, vinegar, tobacco, and Eaſt-India goods, which continue to the ſaid 1ſt Auguſt, 1710, are appropriated for diſcharging of debts as aforeſaid; and, excluding drawbacks by debentures, and allowances for damaged goods by a like medium, are about — — — —	373485	o o
Additional impoſitions on goods and merchandizes are continued and appropriated as aforeſaid; theſe (excluding drawbacks and allowances) by a like medium, produce — —	39645	o o
The duties on coals, culm, and cinders, continued to the 30th September, 1710, are appropriated to ſuch uſes as in the acts		

	Per annum, per annum.
of Parliament for the ſame are mentioned, by a like medium — — — — —	113688 0 0
The 15*l. per cent.* on muſlins, and the duties on coffee, tea, ſpices, pictures, &c. with the additional duties lately impoſed thereon, and upon callicoes, china wares, and unrated drugs, are all granted and continued to the 24th of June, 1710, and appropriated for re-payment of loans with intereſt: the former duties by a medium of the laſt three years (excluding draw-backs and allowances for damaged goods) produced 42475*l.* and the new duties are eſtimated at 74000*l. per annum*, which together is — — — —	116475 0 0
Twenty-five pound *per cent.* additional duty on French goods, continueth for the reſidue of a term of twenty-one years, from the 28th February, 1696, is applicable to any uſes of the war; and the produce thereof, by a medium of the laſt three years, excluding allowances for damaged goods, is about	10794 0 0
Five ſhillings per ton on French ſhipping, granted the 12th Car. II. is to continue ſo long as the duty of fifty ſols *per* ton, on Engliſh ſhipping in France, and three months longer, and is applicable to any uſes of the war; the medium of the laſt three years amounts to — — —	81 0 0
Plantation duties granted 25th Car. II. on goods carried from one plantation to another, are not particularly appropriated, but applied to the uſes of the war; the ſaid medium is -	877 0 0
Four and a half *per cent.* in ſpecie, ariſing in Barbadoes and the Leeward Iſlands, ſubject to an annuity payable to the heirs and aſſigns of the Earl of Kinnoul, are applied thereunto, and towards the ſupport of theſe iſlands, purſuant to an addreſs of the Houſe of Commons in that behalf; a medium of the produce of the ſaid duty, by ſales thereof made here in the laſt three years, is — — —	6459 0 0
Coinage duty (being 10*s. per* ton on wines imported) is continued to the 1ſt of June, 1708, and appropriated to the uſe of the mint, and by a medium of three years (excluding draw-backs and allowances for damaged wine) is about	7350 0 0
The duties on whale fins and Scotch linen, continued till the 1ſt of Auguſt, 1710, are appropriated for diſcharging of loans and other debts (excluſive of draw-backs and allowances for damage) by a like medium may be, — —	10939 0 0

	Per annum,	*per annum.*
One-third additional tonnage and poundage, granted for three years from the 8th March, 1703, and applicable to the re-payment of loans and intereſt; and by another act continued from the 8th of March, 1706, for 98 years, for payment of certain annuities; the produce thereof, in the year ended at Chriſtmas laſt (excluſive of draw-backs and allowances for damaged goods) was — — —	81746	0 0
Three-thirds additional tonnage and poundage, granted for four years from the 8th of March, 1704, are applicable to the re-payment of loans and intereſt; the produce thereof may be eſtimated to be at leaſt — — — —	160000	0 0
Three thouſand ſeven hundred pounds a week, to be taken out of the hereditary and temporary Exciſe on beer, ale, &c. is appropriated for payment of intereſt to divers bankers, and others, for monies lent by them to King Charles II. redeemable on payment of a moiety of the principal, and for annuities for ſeveral terms of years — — —	192400	0 0
Nine-pence *per* barrel Exciſe on beer, ale, &c. by one act of Parliament, is to continue till the 17th May, 1713; and by another act is granted for a further term of 95 years: the produce is appropriated, in the firſt place, for ſatisfying annuities on lottery tickets, which will end at Michaelmaſs, 1710, and afterwards to the payment of annuities, by a medidium of the laſt three years — — — —	164828	0 0
Another nine-pence *per* barrel Exciſe, made perpetual for payment of annuities to the Bank of England, and other annuities; this grant, not containing all the duties given by the act for the 9*d.* laſt mentioned, will produce, by a like medium,	155000	0 0
And one other 9*d. per* barrel for 99 years, from the 25th of January, 1692, is appropriated to payment of diverſe other annuities; the like, — — — — —	155000	0 0
Duties on low wines and ſpirits of the firſt extraction continued till the 24th of June, 1710, are appropriated for re-payment of loans, with intereſt; by a medium of laſt three years, will make — — — — —	25267	0 0
Duties on malt, mum, and cyder, have been continued from year to year, for ſeveral years paſt, and are computed at ——	650000	0 0

Memorandum, in moſt years this Fund proves deficient.

Twelve-

	Per annum,	*per annum.*
Twelve-pence *per* buſhel on ſalt, granted the 5th of Will. and Mary, in perpetuity, is appropriated till the firſt of Auguſt, 1710, towards payment of debts and incumbrances (excluſive of draw-backs for ſalt and fiſh exported) by the produce of the laſt year may be reckoned. — — —	54621	0 0
Twenty-eight pence *per* buſhel on ſalt, granted the 9th of Will. in perpetuity, towards payment of annuities, after the rate of 8 *per cent.* to the traders to India; by a like computation,	128038	0 0
Rent of hackney coaches, being 4 *l.* *per annum* each, for 700 coches, continues for the reſidue of a term of 21 years, from Midſummer 1694, is applied to the ſervice of the war, and amounts to — — — — —	2800	0 0
Licences to Hawkers and Pedlars, continued to the 24th June, 1719, are appropriated towards paying off loans with intereſt, and, by a medium of three years, is — — —	6460	0 0
Stamp duties on vellum, parchment, and paper, part whereof continues till the firſt of Auguſt, 1710, and is appropriated for re-payment of loans; the other part is granted in perpetuity, towards payment of annuities to the traders to India, by a medium of three years (excluding allowances for prompt payment) have produced — — — —	89110	0 0
The duties on windows, continued to the 1ſt of Auguſt, 1710, for re-payment of loans and other debts, produce about	112069	0 0
The aid of 4*s.* in the pound on land, &c. for the preſent year, is aſcertained at — — — —	1997763	3 4½
	5000599	3 4½
Total of the Incomes and Revenues —	5691803	3 4½

Memorandum, The revenues of the Firſt Fruits and Tenths, by an act of the 1ſt of Queen Anne, were granted for ſupport of the Civil Government; but are not computed here, becauſe they have been ſince given in perpetuity for the augmentation of the maintenance of the poor Clergy; and alſo the money ariſing by prizes with the perquiſites of Admiralty, which have been both applied to the uſes of the war, are not inſerted in this computation, becauſe the ſaid prizes ceaſe with the war, and the Lord High Admiral hath relinquiſhed his droits of Admiralty for no longer time than the war laſts.

N°

N° Tx.

A STATE of the Debts of the Kingdom of England, viz. Principal Money, borrowed on the ſeveral Funds undermentioned, which remain at this time unſatisfied, that is to ſay,

	£.	s.	d.	£. s. d.
On three-fourths Cuſtoms, granted 3 W. and M. — — —	21056	5	1	
Additional impoſitions, *eod. anno*, —	112474	19	10½	
Firſt 4*s.* aid, 4 W. and M. — —	17500	0	0	
Second quarterly pole, 5 W. and M. —	34565	13	1	
Stamp-duties, *eod. anno*, — —	66949	7	8½	
Third 4*s.* aid, 6 W. and M. — —	53603	7	3	
Duties on marriages, &c. *eod. anno*, —	62516	4	0	
Fourth 4*s.* aid, 7 W. — —	103039	0	8	
Theſe are provided for by an act of the 8th W. which continues ſeveral funds therein mentioned to the 1ſt of Auguſt, 1706, — — — — —				471704 17 11½
There alſo remains to diſcharge the Exchequer bills, iſſued by virtue of ſeveral acts of Parliament (over and above 230000 *l.* computed to be due for intereſt) the principal ſum of — — — — —				534062 9 8
To ſatisfy loans on the 3 *s.* in the pound granted 8 W. (over and above 169000 *l.* by computation for intereſt), the principal ſum of — — — —				423098 18 3
To ſatisfy loans on the duties on paper, vellum, &c. granted for two years, from the firſt of March, 1696, 8 Will. beſides 6160 *l.* by computation for intereſt, the principal ſum of — — — —				15400 0 0
To diſcharge the malt tickets, iſſued 8 Will. (beſides 254554 *l.* for ſix years intereſt) the principal ſum of				579000 0 0
To ſatisfy loans transferred to the duties on leather, granted 8 Will. for three years from 20th April 1697 (beſides about 105000 *l.* for intereſt) the principal ſum of —				504438 0 0
To ſatisfy loans on the quarterly pole, granted 9 W. (beſides about 73000 *l.* for intereſt, the principal ſum of —				226770 17 0

	£.	s.	d.
To satisfy loans on the 3 *s.* in the pound granted 10 W. (besides about 5200 *l.* for interest) the principal sum of	31271	6	3½
To compleat the payment wanting at Michaelmas, 1701, on the yearly sum of 160000 *l.* intended to be paid by the act 9 Will. out of certain duties on salt, and stampt vellum, to the traders to India, —— —— —	70872	11	1½
Total of the principal sum —	2384914	2	4½
And the several computations of interest at this time, due as above-mentioned, amount to —— — —	914	0	0
These are provided for by an act, 1 Anne, by continuing several funds therein-mentioned to the first of August, 1710, — — — — —	3227828	2	4
There is further owing on the following fund, viz. on low wines, &c. granted 13 Will. for five years, the principal sum of — — — — —	6674	10	3
Duties on coals, &c. 2 Anne, for five years from 14, 1703,	235720	4	0
One-third tonnage and poundage, *eod. ann.* for 3 years —	55236	4	6
Two-thirds ditto, 3 Anne, for 4 years, from 8 March, 1704,	545957	4	0½
Low wines, &c. *eod. anno*, until 1710, —— —	692000	0	0
These are debts on funds not yet expired, and which are reckoned sufficient to satisfy the same, — —	1535588	2	9½
And,			
On duties on coals granted 9 W. for 5 years,	16000	0	0
Two 2 *s.* aid, 11 Will. — ——	12733	6	8
Two-thirds 3 *s.* aid, 12 Will. — —	9753	12	0
Six 4 *s.* aid, 1 Anne. —— ——	42399	5	0
Subsidies, or capitation duties, *eod. anno*,	17384	9	7
The money resting unsatisfied on debentures, &c. were charged on the Irish forfeitures, about —— — ——	960000	0	0
These are deficiencies not yet provided for by Parliament.	1058270	13	5

Other Incumbrances, *viz.*

The 9*d. per* barrel Excise, which was granted for 99 years, from the 25th January, 1692, is charged with 124866 *l.*

per

	£.	s.	d.
per annum for annuities, for which there was contributed 1492379 *l.* 7 *s.* and there being now about 13 years expired, the remainder of the term may be eſtimated to be a preſent incumbrance of —— —— —	148455	0	0
The ſame 9 *d.* *per* barrel is alſo charged with 7567 *l.* *per ann.* for annuities to the Contributers of 108100 *l.* on the advantage of ſurvivorſhip till the number of the ſurvivors be reduced to ſeven, and then the ſhare or ſeventh part of each of them as they die to revert to the Crown: this eſtate has an uncertain termination, but may be reckoned equal to a term of thirty years, and ſo be an incumbrance of about —	104149	0	0
The 9 *d.* *per* barrel Exciſe, granted in perpetuity, is charged; to wit, two-ſeventh parts thereof with 100000 *l.* *per ann.* to the Bank of England for 1200000, advanced by them: this is redeemable on payment of the ſaid principal ſum, as in the act is mentioned —— — —	1200000	0	0
And the remaining two-ſevenths is charged with 15336 *l.* 13 *s.* 6 *d.* *per ann.* for 176744 *l.* 1 *s.* 9 *d.* contributed for thoſe annuities, which were at firſt purchaſed for one life, and afterwards turn'd into eſtates certain for 90 years, from 25th January, 1702; which, by reaſon of the ſmall time elapſed, may ſtill be reckoned an incumbrance of — —	176000	0	0
And with the ſum of 20030 *l.* 1 *s.* *per ann.* for ſuch of the contributers of 170917 *l.* 2 *s.* 3 *d.* for annuities for two lives as are now in being; and abating out of the ſaid contribution money ſo much as was paid for annuities ſince fallen, the reſt is an incumbrance of — ——	166917	2	3
And alſo with 2093 *l.* 10 *s.* 4 *d.* *per ann.* to ſuch of the contributers of 21235 *l.* 4 *s.* for annuities for three lives, as are now in being; and abating out of this contribution ſo much as was paid for annuities of 30 *l.* ſince fallen, there reſts an incumbrance of —— ——	20935	0	4
The 9 *d.* *per* barrel Exciſe, granted for ſixteen years, from the 17th May, 1697, is charged with the payment of 140000 *l.* *per annum*, upon tickets commonly called the Million Lottery tickets, for the reſidue of a term which expires at Michaelmas 1710; and the ſaid annuity being			

	£.	s.	d.
valued, for the four years and a half yet to come, at a rebate of 6 *per cent. per ann.* compound intereſt, is worth —	538185	0	0
The 28*d. per* buſhel on ſalt, and the additional ſtamp-duties, are granted in perpetuity, and charged with the payment of 160000*l. per annum* to the traders to India, for two millions advanced to the publick, and is redeemable by Parliament upon paying the ſaid — — —	2000000	0	0
The 3700*l.* a week, payable out of the hereditary and temporary Exciſe, is charged with 39855*l.* 16*s.* 0½*d. per ann.* for bankers and others, who lent 1328526*l.* to king Charles II. redeemable by Parliament upon payment of a moiety of the ſaid principal, which is, —— ——	664263	0	0
And with 104745*l.* 10*s.* 6½*d. per ann.* for 1569664*l.* 18*s.* 6*d.* contributed for annuities for 99 years from Lady-day, 1704, —— —— ——	1569664	18	6
And alſo with 46000*l. per ann.* to the contributers of 690000*l.* for annuities for 99 years, from Chriſtmas, 1705, —— —— ——	690000	0	0
The one-third ſubſidy, from 8 March, 1706, and the 9*d. per* barrel Exciſe (at preſent applicable to the payment of the Million Lottery tickets), with an additional ſupply, till thoſe funds come in, are charged with 184242*l.* 14*s. per ann.* to the contributers of 2855761*l.* 16*s.* 2*d.* for annuities for 99 years, from Lady-day, 1706, — —	2855761	16	2
	11470451	11	0
Total,	17763842	17	3½

Memorandum, That nothing is inſerted in this accompt as a debt on any land-tax, or malt-duty, which are annual grants, except where any of them have proved deficient.

Memorandum, There is a claim made by the aſſignee of the Earl of Kinoul, of 17250*l.* out of the 4 and a half *per cent.* on account of arrears on an annuity of 1000*l.* incurred before her Majeſty's acceſſion to the Crown.

N°

N° Ux.

A STATE of the Publick Revenue of Scotland, as it now is, and may amount to.

	£.	s.	d.
The Exciſe on ale and beer is 2*s.* ſterling *per* Scotch gallon, and now farmed for 33500 *l.* ſterling, and, if exacted in the ſame manner as in England, may amount to ——	50000	0	0
The Cuſtoms have been let at 34000 *l.* and are now in time of war let for 28500 *l.* with a condition in the leaſe, that, upon a peace, the Lords of the Treaſury may let a new leaſe; and may amount to —— ——	50000	0	0
The Crown rents about —— —— —	5500	0	0
The caſualty of ſuperiorities and compoſitions at the Exchequer, *communibus annis*, about —— ——	3000	0	0
The Poſt-office farmed at 1194 *l.* but, if collected, may amount to —— —— ——	2000	0	0
The impoſitions for coinage —— — ——	1500	0	0
Land-tax is now 36000 pounds, and, to make it equal with the 4*s.* *per* pound in England, it is propoſed to be — —	48000	0	0
	160000	0	0
The debts due to the Army, Civil Liſt, and other charges of Government, about —— —— —	160000	0	0

N°

N° XI.

An Account of the Net Annual Produce of the Cuſtoms in England, from a Medium of three years ended at Michaelmas, 1705. With the reſpective Times or Terms for which they have Continuance, and the Uſes for which they are ſeverally appropriated or applied, *viz.*

	Neat Money *per Ann.* £.	s.	d.
For the Civil Government.			
Cuſtoms and ſubſidies of tonnage and poundage, granted 1ſt Anne, during her Majeſty's life — —	253514	0	0
Several branches, not appropriated to the payment of debts, *viz.*			
Twenty-five *per cent.* additional duty on French goods, for the remainder of a term of 21 years from 28 February, 1696, is applied towards the ſervice of the war. — —	10794	0	0
Coinage duties, continues to the firſt of June, 1708, and is appropriated to the uſes of the mint. — —	7350	0	0
Two-fourths *per cent.* in ſpecie from Barbadoes and the leeward iſlands is perpetual, and applied, purſuant to an Addreſs of the Houſe of Commons, towards the ſupport of thoſe iſlands, ſubject alſo to an annuity of 1000 *l. per ann.* to the heirs and aſſignees of the Earl of Kinnoul. —	6459	0	0
Plantation duties upon particular commodities carried from one plantation to another 25 Car. II. made perpetual, not appropriated to any particular uſe. — —	877	0	0
	25480	0	0
Theſe undermentioned are appropriated for payment of debts, till firſt Auguſt, 1710; though the ſaid debts charged thereon will by computation be paid off ſooner.			
The ſubſidy of tonnage and poundage, granted 12 Car. II. — — — —	292139	0	0
Impoſitions on wines and vinegar, granted 2d Jac. II. — — — — —	113918	0	0

	£.	s.	d.
Impositions on tobacco, ditto. — — —	100338	0	0
Impositions on East India goods, ditto. — —	150899	0	0
Additional impositions on several goods and merchandizes, 4 Will. — — — —	38548	0	0
Several impositions and duties on whale finns, and Scotch linen, 9 Will. — — — —	106219	0	0

Other appropriated Branches.

Fifteen *per cent.* on muslins, &c. granted by several former acts, were by an act, 3 Anne, continued to the 24th of June, 1710, and by that act doubled, and several new duties thereby granted, from February 1704, to the said 24th June 1710, and made a fund for borrowing 700000 *l.* at an interest of 6 *per cent. per ann.*; and so much of the said duties as is under the management of the Commissioners of the Customs was estimated in Parliament to amount to about, *per annum*, — — —	116475	0	0
Two-thirds additional tonnage and poundage, 3 Anne, for four years, from the 8th March, 1704, are appropriated for re-payment of loans, not exceeding 636957 *l.* 4*s.* 0½. with interest after the rate of 6 *per cent. per annum*; and, by an act, 4 Anne, continued towards payment of annuities till the 30th September, 1710; by the nearest computation that can yet be made, will produce at least —	160000	0	0
Two-thirds tonnage and poundage granted, 2 Anne, for three years, from 8th March 1703, and thereby made a fund of credit for 300000 *l.* at an interest after the rate of 5 *per cent per annum*; afterwards, 4 Anne, continued for 98 years, from the 8th March 1706, together with 9 *d. per* barrel Excise appropriated towards payment of 184242 *l.* 14 *s. per annum* in annuities; a medium of the produce thereof, in the 3 years ended at Michaelmas, 1705, is — — — — — —	79619	0	0
Totals for the Civil Government —	253514	0	0
Unappropriated — —	25480	0	0
Appropriated for debts to 24th June, 1710, — — —	116475	0	0

For

	£.	s.	d.	£.	s.	d.
For other debts, till 1st Auguſt, 1710. —	706471	0	0			
For ditto, till 30 September, 1710. —	160000	0	0			
For 98 years from 8th March, 1706. —	79619	0	0			
Total *per Annum.*	1341559	0	0			

Duties on coals, culm, and cinders, by an act, 1 Anne, continued from 14th May 1703, to 15th May 1708, and thereby charged with 500000 *l.* and intereſt; by another act, 4 Anne, continued to 30th September, 1710; and appropriated towards payment of annuities; thoſe duties are collected at the Cuſtom-houſe, and, by a medium of three years ended at Michaelmas 1705, are *per annum* about — — — — 110958 0 0

N° XX.

An Account of the Proportions which the preſent Cuſtoms of Scotland do bear to the ſeveral Branches of that Revenue in England, excluſive of the Increaſe that may ariſe by the higher Duties, or greater Importations, after the Union.

	£.	s.	d.	Scotch Cuſtoms	£.	s.	d.	Proportions
Engliſh Cuſtoms —	1341559	0	0					
For the Civil Government — —	253514	0	0		30000	0	0	5669 0 0
Unappropriated as to any debts —	25480	0	0					570 0 0
Appropriated for debts till 24th June, 1710.	116475	0	0	—	2605	0	0	}
Till 1ſt Auguſt, 1710.	706471	0	0	—	15798	0	0	} 23761 0 0
Till 30th Sept. 1710.	160000	0	0	—	3578	0	0	}
For 89 years, from 8th March, 1706. —	79619	0	0	—	1702	0	0	}
	1341559	0	0		0	0	0	300 0 0

An

An Account of the neat annual Produce of the Exciſe on Beer and Ale in England, from a Medium of three Years, ending at Michaelmas 1705, with the reſpective Times or Terms for which the ſeveral Branches thereof have continuance, and the uſes to which they are ſeverally appropriated, or applied, *viz.*

For the Civil Government.

	£.	s.	d.
Two ſhillings and 6*d.* *per* barrel on beer, ale, &c. 15*d.* whereof is to continue during her Majeſty's life, and the other 15*d.* is hereditary; theſe during her Majeſty's life are appropriated towards defraying the charge of the Civil Government, after a deduction of 3700*l.* a week, appropriated thereout for payment of annuities; and, by a medium of three years ended at Michaelmas 1705, the neat produce into the Exchequer over and above the ſaid 3700*l.* a week will be — — —	269837	0	0

For Annuities and other public Debts.

Three thouſand ſeven hundred pounds a week, to be taken out of the hereditary and temporary Exciſe, during her Majeſty's life, and afterwards out of the hereditary part for ever, is appropriated for payment of — —

£. 39855. 16*s.* 0½*d.* *per ann.* to bankers and others, for intereſt after the rate of 3*l.* *per cent.* for 1328526*l.* lent to K. Charles II. redeemable on payment of a moiety of the ſaid principal, being 664263*l.* and for payment of

£. 104742. 10*s.* 6½. *per ann.* for 99 years, from Lady-day 1704, for 1569664*l.* 18*s.* 6*d.* contributed for annuities.

£. 46000. *per ann.* for 99 years, from Chriſtmas 1705, for 690000*l.* purchaſe-money, contributed for annuities.

£. 190598 6*s.* 7*d.* and the reſt for charges in paying the ſaid annuities. In all — — — 192400 0 0

Nine-pence *per* barrel Exciſe, granted 4 W. for 99 years, from 25 January 1692, is charged with 124866*l.* *per ann.* for annuities, for which there was contributed 1492379*l.*

	£.	s.	d.
7 *s.* and with 7567 *l. per annum*, for 108100 *l.* advanced for annuities on the advantage of ſurvivorſhip, by a medium of the neat produce into the Exchequer, in the ſaid three years, is — — — —	150106	0	0
Another 9*d. per* barrel, 5 Will. made perpetual, is appropriated as follows, viz.			
Five-ſevenths thereof for payment of 100000 *l. per annum* to the Bank of England for 1200000 *l.* advanced by them, which is redeemable on paying the principal ſum, as in the ſaid act is mentioned. And,			
Two-ſevenths with 15336 *l.* 3*s.* 6*d. per annum*, for 176744 *l.* 1 *s.* 9 *d.* contributed for annuities, which were at firſt purchaſed for ſingle lives, and afterwards turned into eſtates certain for 89 years, from 25th January 1702.			
And alſo, with 230 *l.* 1 *s. per annum*, for 170917 *l.* 2*s.* 3*d.* advanced for annuity for two lives.			
And alſo with 2093 *l.* 10 *s.* 4*d. per annum*, for 21235 *l.* 4*s.* contributed for annuities for three lives, the produce of the 9*d.* by a medium of the ſaid three years, is —	150094	0	0
And one other 9*d. per* barrel for 16 years, from 17 May, continued, 4 Anne, from 17th May, 1713, for 95 years, is appropriated for paying 140000 *l. per annum*, on Million Lottery tickets, for the remainder of a term of 16 years, which will end at Michaelmas, 1710, and afterwards towards paying annuities, amounting to 184242 *l.* 14 *s. per ann.* purchaſed for 99 years, from Lady-day 1706. The neat produce of this 9*d.* (which contains ſome additional duties on brandy, &c. not granted by the two former acts), from a medium of the ſaid three years, is —	159898	0	0
Low wines and ſpirits of the firſt extraction, continued by an act, 4 Anne, from 25th March 1706, to 24th June 1710, are appropriated towards re-payment of 700000 *l.* authorized to be borrowed, as well upon credit of theſe duties, as upon an additional duty of 15 *l. per cent.* on muſlins, &c. The nett produce hereof, by a like medium, is — — — — —	25267	0	0
Total	677765	0	0

Out

Out of which to be deducted ſo much as by the aforegoing neat produce will be more than ſufficient to pay the above-mentioned Annuities, viz.

A ſuperplus of the 9 *d. per* Barrel, for the remainder of 99 years from 25th Jan. 1692,	17673	0	0
A ſuperplus of the 9 *d.* for the Bank and others,	12634	0	0
A ſuperplus of the Lottery 9 *d.* continued for Annuities with the $\frac{1}{3}$ *d* ſubſidy of tonnage and poundage,	55274	6	0
All which are unappropriated, and amount to	85581	6	0
And then the Total of the ſeveral Branches of Exciſe appropriated for payment of Debts is *per ann.*	592183	14	0

N° Y x.

An Account of the Proportions which the preſent Exciſe upon Liquors in Scotland doth bear to the ſeveral Branches of that Revenue in England, excluſive of the Encreaſe that may ariſe by the higher Duties, or greater Conſumption after the Union.

	English Exciſe *per ann.* £.	s.	d.	Scotch Exciſe *per Ann.* £.	s.	d.	Proportions £.	s.	d.
For the Civil Government	269837	0	0				9539	0	0
Superpluſages unappropriated	85581	6	0				3025	0	0

Appropriated for Debts.

	£.	s.	d.	L.	s.	d.	£.	s.	d.
£. 3700 a week for payment of Annuities for 99 years, and in perpetuity redeemable by Parliament,	192400	0	0	—	6802	0	0		
Nine-pence *per* Barrel for the remainder of 99 years from 25 Jan. 1692,	132433	0	0	—	4682	0	0		
Nine-pence *per* Barrel for the Bank, &c.	137460	0	0	—	4861	0	0	20936	0	0
Nine-pence *per* Barrel for payment of Lottery Tickets, and afterwards for Annuities,	104623	0	0	—	14569	0	0			
Low wines till 24 June 1710,	25267	0	0	—	893	0	0			
	947602	0	0		33500	0	0			

N° Z x.

If the Cuſtoms of Scotland, now lett at £ 30000 *per annum*, according to the Stating of the Equivalent, does contribute annually, viz.

	£.	s.	d.
Towards Payment of the Debts of England	23761	0	0
Civil Liſt	5669	0	0
The general Expence or Charge of the Nation	570	0	0
	30000	0	0

Every

Every 1000 *l.* Encreaſe on the ſaid Cuſtoms will contribute to the aforeſaid Services, viz.

	£.	s.	d.
Towards Payment of the Debts of England	792	0	0
Civil Liſt	189	0	0
The General Expence or Charge of the Nation	19	0	0
	1000	0	0

If the Exciſe of Scotland now lett at 33500 *l.* *per Ann.* according to the Stating of the Equivalent, does contribute annually, viz.

Towards Payment of the Debts of England	20936	0	0
Civil Liſt	9539	0	0
The general Expence or Charge of the Nation	3025	0	0
	33500	0	0

Every 1000 *l.* Encreaſe on the ſaid Exciſe will contribute to the aforeſaid Services, viz.

Towards Payment of the Debts of England	625	0	0
Civil Liſt	285	0	0
The general Expence or Charge of the Nation	90	0	0
	1000	0	0

In purſuance of the Order of the Lords Commiſſioners of both Kingdoms, on the 22d inſtant, for ſigning the books of Journals, the ſame are accordingly ſigned this 25th day of July, 1706, by us,

DAVID NAIRN.
GEO. DODDINGTON.

N°

N° A. xx.

OVERTURE

Concerning the Debts of the African and Indian Company.

ORDERED, That the Directors of the African Company, ſhall betwixt and the day of next, frame and ſtate a particular accompt of all the monies advanced by the Proprietors of the ſaid Company, with the Annual Rents of the ſeamen, from the reſpective terms of payment to the firſt of May next; which accompt ſhall bear the names and deſignations of the ſeveral Proprietors, and the place and page of the book or books out of which the ſame is extracted.

As alſo, That the ſaid Accompt ſhall bear all the Transfers that have been made, and marked in the Company's books, by any of the Proprietors, with the names and deſignations of the Aſſignees; and mark alſo the book and page out of which theſe are extracted.

Ordered, That the ſaid Directors ſhall alſo frame and ſtate a particular Accompt of the Debts due by the ſaid Company, with the Annual Rents thereof (where the debts bear annual rent), that ſhall be reſting at the firſt day of May next; which Accompts ſhall bear the names and deſignations of the Creditors, and the books and pages out of which they are extracted.

Ordered, That the Directors of the ſaid Company do alſo make an inventory of the books belonging to the ſaid Company, containing the titles and numbers of the ſaid book, and alſo an account of all the effects belonging to the ſaid Company.

Ordered, That the ſaid Accompts, and Inventory of Books and Effects abovementioned, being ſubſcribed by the Preſes of a Quorum of the Directors, and the Secretary or Clerk to the ſaid Company, ſhall be delivered in to the Lord Clerk Regiſter, to lie in the Records; and that the ſaid Lord Clerk Regiſter ſhall be obliged to give all the Proprietors and Creditors to the ſaid Company, mentioned in the ſaid Accompts, their Aſſignees, and others having Right from them, Extracts ſubſcribed by him, or Deputs appointed by him for that effect, of the ſeveral ſhares of Stock and Intereſt, and Debts ſtated in the ſaid Accompt, and that gratis.

Ordered, That there be a Warrant granted by the Parliament for ſummar Diligence, by Horning and Caption, againſt the Directors of the ſaid Company, for

for framing, ſtating, and giving in the ſaid Accompts, and Inventory of books and effects ſubſcribed as above-mentioned.

Ordered, That the Books and Vouchers of the Company be exhibited to the Commiſſioners to be named by her Majeſty, for diſpoſing of the Equivalent, or any appointed by them, as oft as they ſhall ſo require. And that the Clerks and all Havers of the ſaid Books and Vouchers may be called ſummarly by the ſaid Commiſſioners for exhibition before themſelves; and if need be, Letters of Horning be direct upon their Warrant for that effect: and, alſo, that the Lord Clerk Regiſter, and the ſaid Commiſſioners, or any by them appointed, ſhall not only have free acceſs to inſpect, but liberty to copy theſe Books, or any part thereof, as they ſhall think fit, to the end that the ſaid Accompts, and Inventories of goods and books, may be compared with the ſaid Books.

Ordered, That the ſum to which the ſaid Accompts of Stock and Debts, with their Annual Rents, ſhall amount, not exceeding the ſum of two hundred forty three thouſand one hundred ſixty-ſix pounds, three ſhillings, ſterling, ſhall be, by the Commiſſioners to be named by her Majeſty for applying of the Equivalent, conform to the Articles of the Union, conſigned in the hands of a Caſh-keeper, one or more, to be named by her Majeſty for that effect, to be diſtributed to the ſeveral Proprietors, Creditors to the Company, and others having right from them, according to their reſpective ſhares ſtated in the ſaid Accompts and Books to which they relate.

Ordered, That the ſaid Caſh-keepers, one or more, to be named in manner foreſaid, ſhall find caution, at the ſight of the Commiſſioners to be named by her Majeſty, for applying of the Equivalent in the terms, and to the effect, the Caſh-keepers of the African Company formerly did find caution.

Ordered, That how ſoon the ſaid Commiſſioners for diſpoſing the Equivalent ſhall receive the ſum of 398085 *l.* 10 *s.* which is to be payed to Scotland by the 15th Article of the Treaty of Union of the Kingdoms of Scotland and England, or ſo much thereof as may anſwer to the damnage that private perſons may ſuſtain by rectifying the Coin of this Kingdom, and to the ſum to which the Capital Stock, Debts of the ſaid Company, and Intereſt thereof, ſhall amount to, conform to the ſaid Accompts; that then the ſaid Commiſſioners ſhall be obliged, and are hereby ſtrictly required, forthwith and without delay, to conſign the ſaid ſum, principal and intereſt, contained in the ſaid Accompts, in the hands of the Caſh-keepers, one or more, to be appointed as above.

Ordered, That, in caſe the ſaid Commiſſioners for diſpoſing the Equivalent ſhall delay or poſtpone to conſign as above appointed, ſummar diligence ſhall be allowed againſt the ſaid haill Commiſſioners, *in ſolidum*, by Horning and Caption,

whereof no ſuſpenſion ſhall paſs by any Judge or Judicatory, but upon conſignation or performance as aforeſaid.

Ordered, That the ſaid diligence ſhall be raiſed and execute againſt the ſaid Commiſſioners, at the inſtance of any perſon to be named between and the ſaid day, by the Council and Directors of the ſaid Company.

Ordered, That how ſoon the ſaid ſum of 398085 *l.* 10 *s.* ſterling, mentioned in the foreſaid Article of the Treaty, ſhall be paid in to the Commiſſioners, or ſo much thereof as will be needful for repairing the loſs in reducing the Coin of this Kingdom to the ſtandart of England, and refounding the ſaid Capital Stock, Debts, and Annual Rents, to the ſaid Company, conform to the above Accompt, that immediately thereafter a Proclamation of Council be iſſued intimating the ſame.

Reſolved, That the ſaid Caſh-keeper, one or more, their receipt or diſcharge of the ſaid Sums contained in the ſaid Accompts, ſhall be a ſufficient exoneration to the Commiſſioners for diſpoſing of the Equivalent. And that the ſaid diſcharge be by the ſaid Commiſſioners, immediately after the ſame is granted, given in to be regiſtrate in the Books of Council and Seſſion; and that an extract of the ſaid diſcharge be forthwith preſented by the ſaid Commiſſioners to the Privy Council; and that thereupon the Privy Council ſhall immediately iſſue a Proclamation, to be publiſhed at the Head-burghs of the ſeveral Shires, intimating that the ſaid ſums are conſigned in the ſaid Caſh-keepers hands.

Ordered, That after the foreſaid money ſhall be paid in to the ſaid Caſhier, to be diſtributed and paid in manner foreſaid, that the whole Books of the Company according to the Inventory appointed to be made in manner above-mentioned, ſhall be delivered to the Lord Clerk Regiſter, to lie in the Records, and to be made patent to the ſaid Commiſſioners to be named by her Majeſty, for diſpoſing of the Equivalent, and all others having Intereſt.

Ordered, That, after the ſaid Proclamation, the Caſhiers, one or more, ſhall be bound, and are hereby ſtrictly ordered and required, to make ready and effectual payment, without abatement, to the Proprietors and Creditors of the ſaid Company, their Aſſignees, and others having Right from them, of their reſpective Stocks and Debts, and Intereſt of the ſame, as contained in the Accompts above-mentioned, or Extracts thereof upon valid Diſcharges, bearing abſolute Warrandice.

Ordered, In caſe the ſaid Caſhier or Caſhiers ſhall delay making due and ready payment to the ſaid Proprietors and Creditors above-mentioned of their reſpective ſhares, then the ſaid Proprietors or Creditors, and others deriving Right from them, ſhall, upon an Extract of a particle of the ſaid Accompts in ſo far as concern the ſaid particular Proprietors or Creditor, or upon the Receipts formerly

merly granted by the Caſhiers of the ſaid Company, have Letters of Horning, and all other execution as is allowed upon Foreign Bills of Exchange, againſt the ſaid Caſhier or Caſhiers, and his or their cautioner.

Ordered, That the ſaid Caſhier or Caſhiers ſhall keep an exact Accompt of all the payments they make, and inſert the ſame in a book for that effect, all the particular receipts and diſcharges which they ſhall get from the Proprietors and Creditors, or others foreſaid.

Ordered, That for preventing frauds and abuſes, that none of the Commiſſioners of the Equivalent, or the Caſhier or Caſhiers aforeſaid, ſhall, by themſelves, or others in their name, or to their behoof, make any bargain or tranſaction for any ſhare of the ſaid Capital Stock or Intereſt, directly or indirectly, and that under the pain of uſury and infamy.

Ordered, That the Debts due to the African, &c. Company, by the Proprietors, on account of the moieties called for and not paid in, or on account of their ſubſcription-money, be diſcharged.

Ordered, That the effects belonging to the Company, to be contained in the foreſaid Inventory, upon paying in the foreſaid ſum anſwerable to the Capital Sum advanced by the Proprietors of the African Company, and to the Debts due by the ſaid Company, and to the Intereſt of the ſaid Capital Stock and Debts, conform to the Accompts appointed to be made of the ſame to the Caſhier to be named for that effect, in manner above-written, ſhall belong to her Majeſty, and be applied, by the foreſaid Commiſſioners of the Equivalent, to the ſame uſes to which the other Sums to be paid to Scotland, conform to the foreſaid 15th Article, are appointed to be applied.

Reſolved, That an Act be brought in, warranding and appointing diligence to paſs in the terms of the above orders, againſt the Commiſſioners of the Equivalent, and the Caſhiers aforeſaid; as alſo prohibiting and diſcharging the ſaid Commiſſioners or Caſhiers to make any bargain or tranſaction for any part of the Capital Stock or Intereſt of the ſaid Sum as above-mentioned.

N° B x x.

A PROCLAMATION

Againſt all Tumultuary and Irregular Meetings and Convocations of the Liedges.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith: To Our Lyon King at Arms, and his Brethren, Heraulds, Purſevants, Macers, and Meſſengers at Arms, Our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, greeting: Foraſmuch as, albeit the raiſing of Tumults, and making Convocations within Burgh, and the Riotous and Diſorderly Aſſembling and continuing in Arms, thereby inſulting the Magiſtrates, and hindering them in the Execution of their Office, and hindering of the Common Law, be contrary to ſundry Laws and Acts of Parliament, as well as deſtructive of the ends of Government, and particularly to Parl. 14. cap. 77. Ja. 2. Ja. 4. Parl. 3. chap. 34. Ja. 6. Parl. 18. chap. 17. As alſo the riſing in arms, convocating our Liedges in the open fields, and marching in formed bodies armed through the country, and entering into our Royal Burghs, boden in Fier of Weir, and entering into bonds, leagues, and aſſociations, for proſecuting illegal and unwarrantable ends, be, by ſeveral Laws and Acts of Parliament, declared to be open and manifeſt Treaſon, and the Committers, Abettors, and Aſſiſtants in ſuch Crimes and Practices, ought to be proſecuted, and may be puniſhed as Traitors to her Majeſty and her Government; and particularly by Parl. 2. Ja. 1ſt. chap. 37. Ja. 2. Parl. 6. chap. 14. Ja. 6. Parl. 12. chap. 144. Cha. 2. Parl. 1ſt. Seſſion 1ſt. chap. 3. Yet, nevertheleſs, We, and our Eſtates of Parliament, are certainly informed, that in ſeveral corners of the Realm, and particularly in our Burgh of Glaſgow, and other places within the Sheriffdom of Lanerk, and in our Burgh of Dumfries, and other places adjacent, people have preſumed, in manifeſt contempt of the foreſaid Laws, to aſſemble themſelves in open defiance of our Government, and with manifeſt deſign to overturn the ſame, by inſulting the Magiſtrates, attacking and aſſaulting the houſes of our peaceable ſubjects, continuing openly in arms, and marching in formed bodies through the country, and into our Burghs, and inſolently burning, in the face of the ſun, and preſence of the Magiſtrates, the Articles of Treaty, betwixt our two Kingdoms, entered into by the authority of Parliament, and even after the faid Articles had been preſented to Us, and were under the conſideration of Us and our Eſtates, preſently ſitting in Parliament, and ſome

progreſs

progreſs made thereupon; and ſuch crimes and inſolencies being no ways to be tolerated in any well-governed nation; but, on the contrary, ought to be condignly puniſhed conform to the Laws above-mentioned, and other Acts of Parliament made thereanent, eſpecially if perſiſted and continued in after our diſpleaſure therewith ſhall be made known: Therefore, We, with advice and conſent of the Eſtates of Parliament, peremptorily require and command all and every perſon, who have aſſembled themſelves in manner above-mentioned, to lay down their ſaid arms, and diſperſe themſelves, and peaceably and quietly to retire, and betake themſelves to their ſeveral habitations and employments; and We, with advice foreſaid, prohibit and diſcharge any aſſembling or convocating in arms in manner foreſaid, under the pains contained in the Acts of Parliament above-mentioned, certifying all that ſhall be guilty, actors, abettors, or aſſiſtants, in convocating or aſſembling in arms, or thoſe who ſhall convocate and commit theſe practices above-mentioned, ſhall be treated and purſued as open traitors, and the pains of Treaſon execute upon them accordingly: And in caſe any of our people ſhall dare to be ſo preſumptuous, after publication of the premiſſes, to aſſemble or continue in arms; We hereby require and command the Sheriffs of our ſeveral Shires, Stewarts of Stewartries, Baillies of Regallities and Baronies, Magiſtrates of Burghs, and other Officers of our Law, Officers of our Forces and Troops under their command, to paſs upon, diſperſe, and ſubdue the ſaid convocation, by open force, and all manner of violence, as enemies and open rebels to us and our Government: And in caſe any ſlaughter, blood, bruiſes, or mutilation ſhall happen to be done and committed by our ſaid Sheriffs, and Officers of our Forces, and other Magiſtrates foreſaid, or perſons under their command; We, with advice foreſaid, do hereby fully remit, pardon, and indemnify the ſame, and diſcharge the proſecution thereof civilly or criminally in all time coming. Our will is therefore, and we charge you, that ye paſs to the Mercat-croſs of Edinburgh, and the Mercat-croſſes of Dumfries, Lanerk, and Glaſgow, and other places needful, and there make publication hereof, by open Proclamation of the premiſſes, that none pretend ignorance: And ordains theſe preſents to be printed, and our Solicitors to ſend Copies hereof to the Magiſtrates of the reſpective Burghs above mentioned, for that effect. Extracted forth of the Records of Parliament, by

JA. MURRAY, Cls. Reg.

God Save the Queen.

N° Cxx.

MEMORANDUM

For the Honourable Eſtates of Parliament.

PRIMO, it is humbly intreated, that in caſe the Union be concluded, that, for preſerving the peace of the Nation, and redreſſing of grievances of the Church, the Privy Council may be continued, or ſome Court eſtabliſhed for judging in ſuch caſes as were formerly judged by the Council, and this Church may correſpond with them for Faſts and Thankſgivings. *Secundo*, The intereſts of diverſe Heretors, as well as the exigents of the Church, will require, that there be ſome fixed Court to do the work of the Commiſſion for Plantation of Kirks, and Valuation of Teinds, which is the more neceſſary, in reſpect of the great prejudice the Church has ſuſtained for want thereof; and that this Court be impowered to make up the Regiſters of the Commiſſions of former Parliaments that were burnt in the great fire in Edinburgh. *Tertio*, Seeing the terms of an oath ſhould be clear, that it may be taken in truth, in righteouſneſs, and judgment; it is deſired, that, if the Engliſh Abjuration Oath be required of Scots-men, the words may be made plain and clear, without reference to Engliſh Statutes, which are not known here; and that what the taker of the ſaid Oath is to be obliged to, be expreſsly inſert in the ſaid Oath, and that the ſame be agreeable to our known principles. *Quarto*, Seeing, upon the event of an Union, there ought to be a Communication of all Privileges and Advantages which do or may belong to the ſubjects of either Kingdom; it is intreated, that due proviſion be made, that, in caſe of any Union, Scots-men may be capable of places of Power and Truſt in all places of Britain, without any obligation to take the Engliſh Sacramental Teſt; for that, beſides what may be ſaid of the danger that way, to prophane that holy Ordinance, it may prove a temptation to divers to conform, who otherways would not do it, and this way, by degrees, bring in corruption to this Church. *Quinto*, Seeing the Eccleſiaſtical Supremacy, claimed ſome time by the Sovereigns in this Land, was ſuch an encroachment on the prerogative of our Lord Jeſus Chriſt, the alone Head and King of his Church, and had ſuch ſad conſequences, and is now ſo happily reſcinded: it is humbly intreated, that all poſſible ſecurity be provided againſt the re-aſſuming of it in after-time.

N° Dxx.

Act againſt all Muſters and Rendezvouzes during the preſent Seſſion of Parliament.

Novemb. 30, 1706.

OUR Sovereign Lady, conſidering, that by the 3d act of the 2d ſeſſion of this Parliament, intituled, "Act for Security of the Kingdom," it is ſtatute and enacted, that the whole Proteſtant Heretors, and all the Burghs within the ſame, ſhall forthwith provide themſelves with Fire-arms for all the Fencible-men, who are Proteſtants, within their reſpective Bounds; and the ſaid Heretors and Burghs are thereby empowered and ordained, to diſcipline and exerciſe their Fencible-men once in the month at leaſt; and alſo conſidering that the diſorderly and ſeditious meetings and tumults, in ſome places in the country, do make it neceſſary at this occaſion to ſuſpend the effect of the foreſaid clauſe, during this Seſſion of Parliament, allennarly: Therefore, her Majeſty, with advice and conſent of the Eſtates of Parliament, doth hereby ſuſpend the effect of the foreſaid clauſe, and that during this Seſſion of Parliament allennarly. And further, her Majeſty, with advice and conſent foreſaid, diſcharges and ſtrictly prohibits the ſubjects of this Kingdom to meet and aſſemble together in arms, after the publication hereof, upon any pretence whatſoever, during the ſpace foreſaid, without her Majeſty's ſpecial command, or expreſs licence had or obtained thereto: And requires and commands all the ſubjects of this Kingdom to retire to their own habitations and lawful employments; certifying ſuch as ſhall do in the contrary, that they ſhall be liable to the pains of High Treaſon, conform to the Laws and Acts of Parliament made againſt unlawful convocations and riſing in arms.

N°

N° Fxx.

IN the Parliament, Monday 4th November 1706, a Vote was ſtated in thir Terms: Approve of the Firſt Article of Union in the Terms of the Motion mentioned in the preceeding days Minutes, viz. that, if the other Articles of Union be not adjuſted by the Parliament, then the agreeing to and approving of the Firſt ſhall be of no effect; and that, immediately after the ſaid Firſt Article, the Parliament will proceed to an Act for the Security of the Doctrine, Diſcipline, Worſhip, and Government of the Church, as now by Law eſtabliſhed within this Kingdom; and it carried Approve, in the Terms of the above Motion; and the Liſt of the Members as they voted *Pro* and *Con* (ordered to be printed) is as follows.

APPROVERS of the Nobility.

The Lord Chancellor,
Marq. of Montroſe, P. S. C.
Duke of Argyle
Marqueſs of Tweddale
Marqueſs of Lothian.

Earls.

Mar, Sec.
Lowdoun, Sec.
Crawford
Sutherland
Rothes
Mortoun
Eglingtoun
Roxburgh
Haddingtoun
Galloway
Weymes
Dalhouſie
Leven
Northeſque
Bellcarras
Forfar
Kilmarnock
Kintore
Dunmore
Marchmont
Hyndfoord
Cromarty
Stair
Roſeberry
Glaſgow, Ther. Dept.
Hoptoun
Delorain
Illay.

Viſcounts.

Duplin
Garnock.

Lords.

Forbes
Elphingſtoun
Roſs
Torpichen
Frazer
Banff
Elibank
Duffus
Rollo
Lord Regiſter
Lord Juſtice Clerk.

Of

Of the Barrons.

Sir Robert Dickſon of Inveraſk
William Niſbit of Dirletoun
Jo. Cockburn, younger, of Ormiſtoun
Sir John Swintoun of that Ilk
Sir Alexander Campbel of Ceſnock
Sir William Ker of Greenhead
Archibald Douglaſs of Cavers
Mr. Will. Steuart of Caſtle-ſtewart
Mr. John Steuart of Sorbie
Mr. Francis Montgomery of Giffan
Mr. Will. Dalrymple of Glenmuir
Mr. Robert Steuart of Tillicoultry
Sir Robert Pollock of that Ilk
Mr. John Montgomery of Wrae
John Hadden of Glenagies
Mungo Grahame of Gorthy
Sir Thomas Burnet of Leyes
Will. Seton, younger, of Pitmedden
Alexander Grant, younger, of that Ilk
William Bennet of Grubbet
Mr. John Murray of Bowhill
Mr. John Pringle of Haining
Will. Moriſon of Preſtoungrange
George Baillie of Jerviſwood
Sir John Johnſtoun of Weſterhall
William Douglaſs of Dornock
Sir Kenneth Mackenzie
Mr. Æneas Mackleod of Catboll
Mr. John Campbell of Mammore
Sir James Campbell of Auchinbreck
Ja. Campbell, younger, of Ardkinglaſs
Sir William Anſtruther of that Ilk
James Halyburton of Pitcurr
Alexander Abercrombie of Glaſſoch
William Maxwell of Cardineſs
Mr. Ja. Dumbar, younger, of Hempriggs
John Bruce of Kinroſs.

Of the Burrows.

Sir Patrick Johnſtoun
John Scrymſour
Lieutenant Coll. Jo. Areſkin
John Muir
James Scot
Patrick Bruce
Sir John Areſkine
James Spitle
Mr. Patrick Moncrieff
George Monro
Sir Andrew Home
William Coltran
Sir Peter Halket
Sir James Smollet
Mr. William Carmichael
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie
Mr. John Clerk
John Roſs
Sir Hugh Dalrymple
Mr. Patrick Ogilvie
George Allerdice
William Alvis
Mr. Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell

Sir

Sir Robert Forbes
Mr. Robert Douglaſs
Mr. Alexander Maitland
Mr. George Dalrymple
Mr. Charles Campbell.

Sic Subſcribitur, Seafield, *Chancellor.* I. P. D. R.

Nues of the Nobility.

Duke of Hamilton
Duke of Athole
Marqueſs of Annandal.

Viſcounts.

Stormount
Kilſyth.

Earls.

Errol
Mariſchal
Buchan
Glencairn
Wigtoun
Strathmore
Selkrig
Kincardin.

Lords.

Semple
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvil
Kinnaird.

Of the Barons.

George Lochart of Carnwath
Sir James Foulis of Colingtoun
Sir Patrick Home of Rentoun
Sir Gilbert Eliot of Minto
William Baillie of Lamingtoun
John Sinclair, younger, of Stevenſon
John Sharp of Hoddam
Mr. Alexander Fergusſon of Iſle
Jo. Briſbane, younger, of Biſhoptoun
Mr. Will. Cochran of Kilmaronock
Sir Humphrey Colquhoun of Luſs
Sir John Houſton of that Ilk
John Grahame of Killairn
James Grahame of Bucklyvie
Thomas Sharp of Houſtoun
Sir Patrick Murray of Auchtertyre
John Murray of Strowan
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir David Ramſay of Balmain
Alexander Gordon of Pitlurg
James More of Stoniewood
John Forbes of Colloden
David Bethune of Balfour
Mr. Thomas Hope of Rankeilor
Mr. Patrick Lyon of Auchterhouſe
Mr. James Carnagie of Pinhaven
David Grahame, younger, of Fintrie

James

James Ogilvie, younger, of Boyn
Alexander Mackgie of Palgoun
Sir Henry Innes, younger, of that Ilk
Alexander Douglaſs of Eagleſhaw
Mr. George Mackenzie of Inchoulter.

Of the Burrows.

Robert Inglis
Alexander Robertſon
Walter Stewart
Alexander Watſon
Hugh Montgomery
Alexander Edgar
John Black
James Oſwald
Robert Johnſtoun
Alexander Duff
Francis Moliſon
Walter Scot
George Smith
Robert Scot
Robert Kellie
John Hutcheſon
Mr. William Sutherland
Archibald Sheils
Mr. John Lyon
Mr. Dougal Steuart
George Brodie
George Spence
Sir David Cuninghame
Mr: William Johnſtoun
Mr. John Carruthers.
George Home
Mr. James Bethun
John Bayne
Mr. Robert Frazer.

Sic ſubſcribitur, Seafield, *Cancellar.* I. P. D. P.

N°. Exx.

This belongs to Minutes 46.

IN the Parliament, the 27th of December 1706, a Vote was ſtated: Approve of a Proclamation, diſcharging unwarrantable and ſeditious Convocations and Meetings, *Yea* or *Not*, and it carried *Approve*; and the Liſt of the Members Names as they voted, *Approve* or *Not* (ordered to be printed), is as follows.

APPROVERS of the Nobility.

Marq. of Montroſe, P. S. C.
Duke of Argyle
Marqueſs of Tweddale
Marqueſs of Lothian.

Earls.

Mar, Sec.
Lowdoun, Sec.
Crawford
Sutherland
Rothes
Mortoun
Glencairn
Eglintoun
Abercorn
Roxburgh
Haddingtoun
Galloway
Dalhouſie
Findlater
Leven
Northeſque
Belcarras
Forfar
Kilmarnock
Kintore
Dunmore
Marchmont
Cromarty
Stair
Roſeberry
Glaſgow Ther. D.
Hoptoun
Delorain
Ilay.

Lords.

Forbes
Elphingſtoun
Roſs
Torphichen
Frazer
Banff
Duffus
Lord Regiſter
Lord Juſtice Clerk.

Of the Barons.

Robert Dundaſs of Arniſtoun
Sir Robert Dickſon of Inveraſk
William Niſbet of Dirletoun
Jo. Cockburn, younger, of Ormiſtoun
Sir John Swintoun of that Ilk
Sir Alexander Campbell of Ceſnock
Sir William Ker of Greenhead
Sir Gilbert Eliot of Minto
Archibald Douglaſs of Cavers
William Bennet of Grubbet
Mr. John Murray of Bowhill
Mr. John Pringle of Haining
William Moriſon of Preſtoungrange
Sir John Johnſtoun of Weſterhall

William

William Douglaſs of Dornock
Mr. William Steuart of Caſtle-ſtewart
Mr. John Steuart of Sorbie
Mr. Francis Montgomery of Giffan
Mr. Will. Dalrymple of Glenmuir
Mr. Robert Steuart of Tillicoultry
Sir Robert Pollock of that Ilk
Thomas Sharp of Houſtoun
Mr. John Montgomery of Wrae
John Hadden of Glenagies
Mungo Grahame of Gorthy
Sir Thomas Burnet of Leyes
Will. Seton, younger, of Pitmedden
Hugh Roſs of Kilravock
Mr. John Campbell of Mammore
Sir James Campbell of Auchinbreck
Ja. Campbell, younger, of Ardkinglaſs
Sir William Anſtruther of that Ilk
James Halyburton of Pitcurr
Alexander Abercrombie of Glaſſoch
William Maxwell of Cardineſs
Alexander Douglaſs of Egilſhaw
John Bruce of Kinroſs.

Of the Burrows.

Sir Patrick Johnſtoun
John Scrymſour
Lieutenant Coll. Jo. Areſkin
John Muir
James Scot
Sir John Anſtruther
Sir John Areſkine
James Spitle
Mr. Patrick Monerieff
Sir Andrew Home
Sir Peter Halket
Sir James Smollet
Mr. William Carmicael
Mr. William Sutherland
Captain Daniel Mackleod
Sir David Dalrymple
Sir Alexander Ogilvie
Mr. John Clerk
John Roſs
Sir Hugh Dalrymple
Mr. Patrick Ogilvie
George Allardice
William Alvis
Mr. James Bethun
Mr. Roderick Mackenzie
John Urquhart
Sir James Steuart
Daniel Campbell
Sir Robert Forbes
Mr. Robert Douglaſs
Mr. Alexander Maitland
Mr. George Dalrymple
Mr. Charles Campbell.

Sic ſubſcribitur, Seafield, *Cancellar*. I. P. D. P.

Noes of the Nobility.

Duke of Hamilton
Duke of Athole
Marqueſs of Annandale.

Earls.

Errol
Mariſchal

Wigtoun
Selkirk.

Viſcounts.

Stormount
Kilſyth.

Lords.

Saltoun
Oliphant
Balmerino
Blantyre
Bargany
Beilhaven
Colvil
Kinnaird.

Of the Barons.

George Lockhart of Carnwath
Sir James Foulis of Colingtoun
Sir John Lauder of Fountainhall
Andrew Fletcher of Saltoun
Sir Robert Sinclair of Longformacus
Sir Patrick Home of Rentoun
William Baillie of Lamingtoun
John Sinclair, younger, of Stevenſon
Mr. Alexander Ferguſon of Iſle
Jo. Briſbane, younger, of Biſhoptoun
Mr. Will. Cochran of Kilmaronock
Sir John Houſtoun of that Ilk
James Grahame of Bucklivie
Robert Rollo of Powhouſe
Sir Patrick Murray of Auchtertyre
John Murray of Strowan
Alexander Gordon of Pitlurg
John Forbes of Colloden
David Bethune of Balfour
Major Henry Balfour of Dunboig
Mr. Thomas Hope of Rankeilor
Mr. Patrick Lyon of Auchterhouſe
Mr. James Carnagie of Phinhaven
David Grahame, younger, of Fintrie
James Ogilvie, younger, of Boyn
Alexander Mackgie of Palgoun
James Sinclair of Stempſter
Sir Henry Innes, younger, of that Ilk
Mr. George Mackenzie of Inchoulter

Of the Burrows.

Alexander Robertſon
Walter Stewart
Alexander Watſon
James Oſwald
Alexander Duff
Francis Moliſon
George Smith
Robert Scot
Robert Kellie
Archibald Sheils
Mr. John Lyon
Sir Robert Anſtruther
Sir David Cuninghame
Mr John Carruthers
George Home
John Bayne

Sic ſubſcribitur, Seafield, *Cancellar.* I. P. D. P.

N° Gxx.

Threatening Letter to the Duke of Queenſberry in the time of the Rabbles at Edinburgh, and the carrying on the Treaty.

One ſubſcribed thus:

To his Grace the Duke of Queenſberry, her Majeſty's High Commiſſioner to the Parliament of Scotland.

May it pleaſe your Grace,

I Could not have peace in my own mind, night or day, until I made this diſcovery of a plot, ſo cloſely laid againſt your Grace, that the world could not have diſcovered, unleſs it had pleaſed God thus to touch my conſcience, or ſome others of the Conſpirators: wherefore, I ſhall give your Grace a ſhort account of the true matter of fact, without the leaſt diſſembling. Upon Thurſday laſt, at twelve o'Clock at night, there came a gentleman to my houſe, who whiſpered in mine ear, while I was in bed, to go along with him in all haſte; ſo I got up out of bed, and went with him: he led me into a chamber, where I met ſeven other young men, who welcomed me to the place, and, after a little talk, told me they were upon a buſineſs which they could not effect without me, which was to diſpatch that treacherous Devil the Commiſſioner (ſo they were pleaſed to call your Grace). I (God forgive me!) joined with them heartily: whereupon they produced a paper, containing a moſt horrid oath; whereby they bound themſelves to aſſaſſinate your Grace, the firſt day the Parliament ſat after New-year's-day, and that they ſhould rather be burned alive than diſcover their fellows. Two and twenty have ſubſcribed this oath with their blood.

They ſaid they wanted only two to compleat their number for the work, they deſiring to have twenty-four concerned in it: ſome of theſe your Grace would little ſuſpect; but theſe, that are to be the main actors, are the moſt graceleſs, debauch'd wretches in the world, that fear neither God nor man: ſome of them are to be cloathed in the Highland dreſs; one in the habit of a beggar with a falſe beard; ſix of them are to be in the habit of baxters, that by this means they may with the more eaſe raiſe the rabble; one of thoſe, in Highland dreſs, is to ſtand on your left hand as you come out of the Parliament Houſe, with a naked durk beneath his plaid to ſtab your Grace, but, if he has no opportunity for action,

action, then the beggar is to attend your coach with a piſtol beneath his rags, which he is to fire at your Grace, at which the baxters are to raiſe the rabble with their cries, which they think will ſoon be done; then, leſt your Grace ſhould eſcape with life, they are to take care to get the Nether-bow Port cloſed in ſpight of the guards. Their next deſign is upon the Chancellor Philiphaugh, and ſome others. After repeated oaths of ſecrecy, we parted about three o'Clock this morning, and I come home; but perplexing thoughts ſo tormented me, that I could neither ſleep, eat, or drink, till I eaſed my mind with this diſcovery. If your Grace will aſſure me of pardon, and that you will obtain me a remiſſion from the Queen, for this and another crime, which the Conſpirators will alledge, for revenge I was guilty of ten years ago abroad, I will come to your Grace's lodging and make a full diſcovery of this whole deſign, and let your Grace ſee their names written with their own hands, and with their own blood, for they put ſo much truſt in me, as that they gave it me in keeping. Your Grace may take your own method in making it known, if you will pardon me and protect me; which if your Grace do, I ſhall not fail to perform my promiſe, and tell your Grace other circumſtances than can recite here.

I am, may it pleaſe your Grace,

Dec. 20, 6 at night, 1706. Your Grace's humble ſervant.

There were ſeveral other letters, ſome to bully and inſult the Commiſſioner, ſome pretending to caution him; but his Grace took no notice of any of them, nor did he ever omit going to the Parliament Houſe, or purſue the affair then in hand, notwithſtanding theſe inſults.

N°

N° Hxx.

An Act for Securing the Church of England as by Law Eſtabliſhed.

WHereas, by an Act made in the Seſſion of Parliament held in the third and fourth year of her Majeſty's reign, whereby her Majeſty was impowered to appoint Commiſſioners, under the Great Seal of England, to treat with Commiſſioners, to be authorized by the Parliament of Scotland, concerning an Union of the Kingdoms of England and Scotland, it is provided and enacted, that the Commiſſioners, to be named in purſuance of the ſaid Act, ſhould not treat of or concerning any alteration of the Liturgy, Rites, Ceremonies, Diſcipline, or Government, of the Church, as by law eſtabliſhed within this realm: and whereas, certain Commiſſioners appointed by her Majeſty, in purſuance of the ſaid Act, and alſo other Commiſſioners nominated by her Majeſty by the authority of the Parliament of Scotland, have met, and agreed upon a Treaty of Union of the ſaid Kingdoms; which Treaty is now under the conſideration of this preſent Parliament: and whereas the ſaid Treaty (with ſome alterations therein made) is ratified and approved by Act of Parliament in Scotland; and the ſaid Act of Ratification is, by her Majeſty's royal command, laid before the Parliament of this Kingdom: and whereas it is reaſonable and neceſſary, that the true Proteſtant Religion, profeſſed and eſtabliſhed by Law in the Church of England, and the Doctrine, Worſhip, Diſcipline, and Government thereof, ſhould be effectually and unalterably ſecured: Be it enacted, by the Queen's moſt Excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal, and the Commons, in this preſent Parliament aſſembled, and by authority of the ſame, That an Act, made in the Thirteenth year of the reign of Queen Elizabeth, of famous memory, intituled, "An act for the Miniſters of the Church to be of ſound religion;" and alſo another Act, made in the Thirteenth year of the reign of the late King Charles II. intituled, "And act for the Uniformity of Publick Prayers, and Adminiſtration "of Sacraments, and other Rites and Ceremonies, and for eſtabliſhing the Form "of Making, Ordaining, and Conſecrating Biſhops, Prieſts, and Deacons, in the "Church of England," (other than ſuch clauſes in the ſaid Acts, or either of them, as have been repealed or altered by any ſubſequent Act or Acts of Parliament); and all and ſingular other Acts of Parliaments, now in force, for the Eſtabliſhment and Preſervation of the Church of England, and the Doctrine, Worſhip, Diſcipline, and Government thereof; ſhall remain and be in full force for ever.

And be it further enacted, by the authority aforeſaid, That, after the demiſe of her Majeſty (whom God long preſerve!), the Sovereign, next ſucceeding to her Majeſty in the Royal Government of the Kingdom of Great Britain, and ſo for ever hereafter, every King, or Queen, ſucceeding and coming to the Royal Government of the Kingdom of Great Britain, at his or her Coronation, ſhall, in the preſence of all perſons who ſhall be attending, aſſiſting, or otherwiſe then and there preſent, take and ſubſcribe an Oath to maintain, and preſerve inviolably, the ſaid Settlement of the Church of England, and the Doctrine, Worſhip, Diſcipline, and Government thereof, as by Law eſtabliſhed within the Kingdoms of England and Ireland, the Dominion of Wales, and Town of Berwick upon Tweed, and the territories thereunto belonging.

And be it further enacted, by the authority aforeſaid, That this Act, and all and every the matters and things therein contained, be, and ſhall for ever be, holden and adjudged to be a fundamental and eſſential part of any Treaty of Union to be concluded between the ſaid Two Kingdoms; and alſo, that this Act ſhall be inſerted in expreſs terms in any Act of Parliament which ſhall be made for ſettling and ratifying any ſuch Treaty of Union, and ſhall be therein declared to be an eſſential and fundamental part thereof.

N° Ixx.

Act ſettling the Manner of Electing the Sixteen Peers and Forty-five Commoners to repreſent Scotland in the Parliament of Great Britain.

February 5, 1707.

OUR SOVEREIGN LADY, conſidering that, by the twenty-ſecond Article of the Treaty of Union, as the ſame is ratified by an Act paſſed in this Seſſion of Parliament upon the ſixteenth of January laſt, it is provided, that, by virtue of the ſaid Treaty, of the Peers of Scotland at the time of the Union, Sixteen ſhall be the number to ſit and vote in the Houſe of Lords, and Forty-five the number of the Repreſentatives of Scotland in the Houſe of Commons, of the Parliament of Great Britain; and that the ſaid Sixteen Peers, and Forty-five Members in the Houſe of Commons, be named and choſen in ſuch manner as by a ſubſequent Act in this preſent Seſſion of Parliament in Scotland ſhould be ſettled; which Act is thereby declared to be as valid, as if it were a

part

part of, and ingroſſed in, the ſaid Treaty: therefore her Majeſty, with advice and conſent of the Eſtates of Parliament, ſtatutes, enacts, and ordains, that the ſaid Sixteen Peers, who ſhall have right to ſit in the Houſe of Peers in the Parliament of Great Britain on the part of Scotland by virtue of this Treaty, ſhall be named by the ſaid Peers of Scotland whom they repreſent, their heirs, or ſucceſſors to their dignities and honours, out of their own number, and that by open election and plurality of voices of the Peers preſent, and of the proxies for ſuch as ſhall be abſent, the ſaid proxies being Peers, and producing a mandate in writing duly ſigned before witneſſes, and both the conſtituent and proxy being qualified according to law; declaring alſo, that ſuch Peers as are abſent, being qualified as aforeſaid, may ſend to all ſuch meetings liſts of the Peers whom they judge fitteſt, validly ſigned by the ſaid abſent Peers, which ſhall be reckoned in the ſame manner as if the parties had been preſent, and given in the ſaid liſt; and in caſe of the death, or legal incapacity, of any of the ſaid Sixteen Peers, that the aforeſaid Peers of Scotland ſhall nominate another of their own number in place of the ſaid Peer or Peers in manner before and after mentioned. And that, of the ſaid forty-five Repreſentatives of Scotland in the Houſe of Commons in the Parliament of Great Britain, Thirty ſhall be choſen by the ſhires or ſtewartries, and Fifteen by the royal burrows, as follows, *videlicet*, one for every ſhire and ſtewartry, excepting the ſhires of Bute and Caithneſs, which ſhall chooſe one by turns, Bute having the firſt election; the ſhires of Nairn and Cromarty, which ſhall alſo chooſe by turns, Nairn having the firſt election; and in like manner the ſhires of Clackmannan and Kinroſs ſhall chooſe by turns, Clackmannan having the firſt election: and in caſe of the death or legal incapacity of any of the ſaid Members from the reſpective ſhires or ſtewartries above-mentioned, to ſit in the Houſe of Commons, it is enacted and ordained, that the ſhire or ſtewartry who elected the ſaid Member ſhall elect another Member in his place; and that the ſaid Fifteen Repreſentatives for the royal burrows be choſen as follows, *videlicet*, that the town of Edinburgh ſhall have right to elect and ſend one member to the Parliament of Great Britain; and that each of the other burghs ſhall elect a Commiſſioner in the ſame manner as they are now in uſe to elect Commiſſioners to the Parliament of Scotland; which Commiſſioners and Burghs (Edinburgh excepted), being divided in fourteen claſſes or diſtricts, ſhall meet at ſuch time and burghs within their reſpective diſtricts as her Majeſty, her heirs or ſucceſſors, ſhall appoint, and elect one for each diſtrict, *videlicet*, the burghs of Kirkwal, Week, Dornock, Dingwall and Tayne, one; the burghs of Fortroſe, Inverneſs, Nairn and Forreſs, one; the burghs of Elgine, Cullen, Bamff, Inverury and Kintore, one; the burghs of Aberdeen, Inverbervie, Montroſe, Aberbrothock and Brichen, one; the burghs

of Forfar, Perth, Dundee, Cowper and St. Andrews, one; the burghs of Crail, Kilrennie, Anſtruther Eaſter, Anſtruther Weſter, and Pittenweem, one; the burghs of Dyſart, Kirkcaldie, Kinghorn and Bruntiſland, one; the burghs of Innerkeithing, Dumfermline, Queensferry, Culroſs and Stirling, one; the burghs of Glaſgow, Renfrew, Rutherglen and Dumbarton one; the burghs of Haddington, Dumbar, North Berwick, Lawder and Jedburgh, one; the burghs of Selkirk, Peebles, Linlithgow and Lanerk, one; the burghs of Dumfries, Sanquhar, Annan, Lochmaben and Kirkcudbright, one; the burghs of Wigtoun, New Galloway, Stranrawer and Whitehern, one; and the burghs of Air, Irvine, Rotheſay, Campbletoun and Inverary, one. And it is hereby declared and ordained, that where the votes of the Commiſſioners for the ſaid burghs, met to chooſe Repreſentatives from their ſeveral diſtricts to the Parliament of Great Britain, ſhall be equal, in that caſe the Preſident of the meeting ſhall have a caſting or deciſive vote, and that by and attour his vote as a Commiſſioner from the burgh from which he is ſent, the Commiſſioner from the eldeſt burgh preſiding in the firſt meeting, and the Commiſſioners from the other burghs in their reſpective diſtricts, preſiding afterwards by turns in the order as the ſaid burghs are now called in the Rolls of the Parliament of Scotland: and in caſe that any of the ſaid Fifteen Commiſſioners from burghs ſhall deceaſe, or become legally incapable to ſit in the Houſe of Commons, then the town of Edinburgh, or the diſtrict which choſe the ſaid Member, ſhall elect a Member in his or their place; it is always hereby expreſsly provided and declared, that none ſhall be capable to elect, or be elected, for any of the ſaid eſtates but ſuch as are twenty-one years of age compleat, and Proteſtant, excluding all Papiſts, or ſuch who, being ſuſpect of Popery and required, refuſe to ſwear and ſubſcribe the *formula* contained in the Third Act, made in the eighth and ninth Seſſions of King William's Parliament, intituled, "Act for preventing the growth of Popery;" and alſo declaring, that none ſhall be capable to elect, or be elected, to repreſent a ſhire or burgh in the Parliament of Great Britain for this part of the United Kingdom, except ſuch as are now capable by the laws of this kingdom to elect, or be elected, as Commiſſioners for ſhires or burghs to the Parliament of Scotland. And further, her Majeſty, with advice and conſent aforeſaid, for the effectual and orderly election of the perſons to be choſen to ſit, vote, and ſerve, in the reſpective Houſes of the Parliament of Great Britain, when her Majeſty, her heirs and ſucceſſors, ſhall declare her or their pleaſure for holding the firſt, or any ſubſequent Parliament of Great Britain, and when for that effect a writ ſhall be iſſued out under the Great-ſeal of the United Kingdom, directed to the Privy Council of Scotland, conform to the ſaid twenty-ſecond article, ſtatutes, enacts and ordains, that, until the Parliament of

Great Britain ſhall make further proviſion therein, the ſaid writ ſhall contain a warrant and command to the ſaid Privy Council to iſſue out a proclamation in her Majeſty's name, requiring the Peers of Scotland for the time to meet and aſſemble at ſuch time and place within Scotland as her Majeſty and royal ſucceſſors ſhall think fit, to make election of the ſaid Sixteen Peers; and requiring the Lord Clerk Regiſter, or two of the Clerks of Seſſion, to attend all ſuch meetings, and to adminiſter the oaths that are or ſhall be by law required, and to aſk the votes; and, having made up the liſts in preſence of the meeting, to return the names of the Sixteen Peers choſen (certified under the ſubſcription of the ſaid Lord Clerk Regiſter, Clerk or Clerks of Seſſion attending) to the Clerk of the Privy Council of Scotland; and ſicklike requiring and ordaining the ſeveral freeholders in the reſpective ſhires and ſtewartries to meet and convene at the head burghs of their ſeveral ſhires and ſtewartries, to elect their Commiſſioners, conform to the order above ſet down, and ordaining the Clerks of the ſaid meetings, immediately after the ſaid elections are over, reſpectively to return the names of the perſons elected to the Clerks of the Privy Council; and, laſtly, ordaining the city of Edinburgh to elect their Commiſſioner, and the other royal burghs to elect each of them a Commiſſioner, as they have been in uſe to elect Commiſſioners to the Parliament, and to ſend the ſaid reſpective Commiſſioners, at ſuch times, to ſuch burghs within their reſpective diſtricts as her Majeſty and ſucceſſors, by ſuch proclamations, ſhall appoint, requiring and ordaining the common Clerk of the reſpective burghs, where ſuch elections ſhall be appointed to be made, to attend the ſaid meetings, and immediately after the election to return the name of the perſons ſo elected (certified under his hand) to the Clerk of Privy Council; to the end that the names of the Sixteen Peers, Thirty Commiſſioners for ſhires, and Fifteen Commiſſioners for burghs, being ſo returned to the Privy Council, may be returned to the Court from whence the writ did iſſue, under the Great-ſeal of the United Kingdom, conform to the ſaid twenty-ſecond Article: And whereas, by the ſaid twenty-ſecond Article, it is agreed, that if her Majeſty ſhall, on or before the firſt day of May next, declare that it is expedient the Lords and Commons of the preſent Parliament of England ſhould be the Members of the reſpective Houſes of the firſt Parliament of Great Britain, for and on the part of England, they ſhall accordingly be the Members of the ſaid reſpective Houſes for and on the part of England; her Majeſty, with advice and conſent aforeſaid, in that caſe only, doth hereby ſtatute and ordain, that the Sixteen Peers and Forty-five Commiſſioners for ſhires and burghs, who ſhall be choſen by the Peers, Barons, and Burghs, reſpectively, in this preſent Seſſion of Parliament, and out of the Members thereof, in the ſame manner as Committees of Parliament are uſually now choſen, ſhall be the Members of the reſpective Houſes of the ſaid firſt Parliament of Great Britain

for and on the part of Scotland; which nomination and election being certified by a writ under the Lord Clerk Regiſter's hand, the perſons ſo nominated and elected ſhall have right to ſit and vote in the Houſe of Lords, and in the Houſe of Commons, of the ſaid firſt Parliament of Great Britain.

N° Kxx.

Thurſday, January 7, 1707.

A Proteſt was given in by George Lockhart of Carnwath, in theſe Terms.

I George Lockhart of Carnwath do proteſt for myſelf, and in name of ſuch other Barons as ſhall adhere to this my Proteſtation; that neither this Vote, nor any other Vote, Concluſion, or Article in this Treaty of Union, ſhall prejudge the Barons of this kingdom from their full Repreſentation in Parliament, as now by law eſtabliſhed, nor any of their privileges, and particularly their judicative and legiſlative capacities, of which they are deprived by the terms of this Treaty of Union; and I crave this my Proteſtation to be admitted and recorded.

N° Lxx.

And another Proteſt was given in by the Duke of Athole, in theſe Terms.

WHEREAS, by my Proteſt given in the 4th of November laſt, before voting the firſt Article of Union, I did reſerve liberty to renew proteſtations againſt any other Article of the Treaty; and as I proteſted for the reaſons therein mentioned, ſo I do now, for myſelf and all others who ſhall adhere, proteſt againſt any vote for approving the 22d Article of this Treaty of Union, and againſt all the parts of it, for theſe reaſons, becauſe the Peers of this Realm, who are hereditary Members of her Majeſty's Great Council and Parliament, do thereby become elective, and ſo her Majeſty is deprived of her born Counſellors, and the Peers of their birth-right. And whereas they are at preſent 160 in number, they are by this Article reduced to Sixteen; which ſixteen are to be joined with the Houſe of Lords in England, whoſe number at preſent

conſiſts

conſiſts of above 180, whereby it is plain, that the Scots Peers' ſhare in the legiſlative and judicative powers in the Britiſh Parliament is very unequal with that of the Engliſh, though the one be Repreſentatives of as Free and Independent a Nation as the other, and is therefore a plain forfeiture of the Peerage of this Kingdom. And as it is the height of injuſtice, and againſt all the laws and practices of this and all other well-govern'd nations to forfeit any perſon without a heinous crime; ſo it is againſt all law to forfeit either the Peers that are now preſent, or thoſe that are minors or abſent, without being ſo much as called or cited for that end.

It is likewiſe contrary to the honour and true intereſt of her Majeſty and the Monarchy, to ſuppreſs the eſtate of Peers, who have formerly been the great ſupporters of the Monarchy.

And it is diſhonourable and diſgraceful to this Kingdom, that the Peers thereof ſhall only have rank and precedency next after the Peers of the like order and degree in England, without regard to their antiquity, or the dates of their patents, as is ſtipulate by the following articles of this treaty.

In the next place, each ſhire and royal burgh within this Kingdom have the number of their Repreſentatives determined by Acts of Parliament, whoſe number at preſent, being 155, are by this Article of the Treaty reduced to Forty-five, and to be joined to 513 members in the Houſe of Commons, where they can have no influence, by reaſon of the vaſt diſproportion of their numbers; beſides that the Barons and Burrows of this nation, by this way of uniting, are deprived of their inherent right of being fully and individually repreſented in Parliament, both with relation to their legiſlative and judicative capacities.

And they are not only highly prejudged in leſſening their Repreſentation, but alſo degraded from being Members of the Parliaments of this kingdom, where they ſit as judges in all cauſes, civil and criminal, to be joined to the Commons of another Nation, who are accuſtomed to ſupplicate for juſtice at the bar of the Houſe of Lords.

The Barons and Burgeſſes are alſo further prejudged in this; that whereas every ſhire and royal burgh have their own Repreſentatives, one Commiſſioner will, hereafter, repreſent ſeveral ſhires or burghs, who, it cannot be ſuppoſed, will underſtand the ſeveral intereſts and concerns of the ſaid ſeveral ſhires and burghs whom he may repreſent.

And, further, for the preſent Repreſentatives of the Barons and Burgeſſes to offer, by any vote or deed of theirs, to incapacitate their conſtituents, or deprive them of any part of their inherent right, is what their Conſtituents may and do juſtly diſallow, they only having their commiſſions with the ordinary powers of making and amending laws, and giving ſupplies, but no ways to alter fundamental

conſtitutions,

conſtitutions, or to take away or diminiſh their repreſentation, which is alſo a plain forfeiture of their conſtituents of their inherent rights and undoubted privileges, and is contrary to the fundamental laws of this Nation, which are the birth-right of the people thereof.

From all which it is plain and evident, that this, from a ſovereign independent Monarchy, ſhall diſſolve its conſtitution, and be at the diſpoſal of England, whoſe conſtitution is not in the leaſt to be altered by this Treaty, and where it is not to be ſuppoſed the Scots ſhall have any weight in the making of laws, even though relative to their own Kingdom, by reaſon of the vaſt diſproportion and diſparity of the Repreſentation aforeſaid.

And therefore I do alſo proteſt, that no vote may hinder or prejudge the Noblemen, Barons, and Burgeſſes, as now repreſented in Parliament, to retain, bruik, enjoy, and exerce all their rights, liberties, and privileges, as fully and freely as hitherto they have enjoyed them.

And ſince it evidently appears, not only from the many proteſts of the honourable and worthy Members of this Houſe, but alſo from the multitudes of Addreſſes and Petitions, from the ſeveral parts of this kingdom, of the Barons, Free-holders, Heretors, Burgeſſes and Commons, and from the Commiſſion of the General Aſſembly, that there is a general diſlike and averſion from the incorporating Union, as contained in theſe Articles; and that there is not one Addreſs, from any part of the kingdom, in favour of this Union.

I do, therefore, further proteſt againſt concluding this and the following Articles of this Treaty, until her Majeſty ſhall be fully informed of the inclinations of the people; that, if her Majeſty think fit, ſhe may call a new Parliament to have immediate ſentiments of the Union ſince the Articles have been made publick, where it is hoped they may fall on ſuch methods as may allay the ferment of the nation, ſatisfy the minds of the people, and create a full underſtanding betwixt the Two Kingdoms, by an Union upon honourable, juſt, and equal terms, which may unite them in affection and intereſt, the ſureſt foundation of peace and tranquillity for both kingdoms: and this my Proteſtation I deſire may be received and inſert in the minutes, and recorded in the books of Parliament, as a teſtimony of my diſaſſent, and the diſaſſent of ſuch as adhere to me.

N° Mxx.

And a Third Proteſt was given in by the Earl of Buchan, in theſe Terms.

FOraſmuch as the changing of the right of the Peers of this realm, from a conſtant and hereditary right to one that is elective, and the debarring all or any of them from taking place, and voting in Parliaments, Conventions, or Publick Councils, is ſubverſive of the birth-right and undoubted privilege of the Peers, diſhonourable to the whole Kingdom, and contrary to the fundamental laws and conſtitutions of it, as well as to all juſtice and equity; I do therefore proteſt for myſelf, and in name of all who ſhall adhere to this my Proteſtation, that the foreſaid right of the Peers of this Realm to ſit and vote in all Parliaments, Publick Councils, and Conventions, do, after the intended Union with England, and notwithſtanding thereof, continue in full force, and remain to them as their undoubted right and property; and that no vote, to be paſſed in this Houſe, do prejudge all or any of them thereof, or debar them from retaining the ſame in all time coming.

N° Nxx

Another Proteſt was likewiſe given in by Walter Steuart, Commiſſioner for the Burgh of Linlithgow, in theſe Terms.

I Walter Steuart proteſt for myſelf, and in name of all others who ſhall adhere to this my Proteſtation, that the reſtriction of the Repreſentatives in Parliament for this kingdom, as contained in the 22d Article of the Treaty of Union, is contrary to the Birth-right of the Peers, and Rights and Privileges of the Barons, Freeholders and Royal Burrows, and the fundamental laws and conſtitutions of this nation: And if any vote ſhall paſs, approving the ſaid Article, in the terms that it ſtands, that any ſuch vote ſhall not prejudge the Birth-right of the Peers, Rights and Privileges of the Barons, Freeholders, and Royal Burrows, competent to them by the laws and conſtitution of this Kingdom, and takes inſtruments upon this Proteſtation, and deſires that it may be inſert in the Records of Parliament.

N° Oxx.

The 27th February 1706.

Articles of Union read.

That all Laws and Statutes in either Kingdom ſo far as they are contrary to, or inconſiſtent with, the Terms of theſe Articles, or any of them, ſhall, from and after the Union, ceaſe and become void, and ſhall be ſo declared to be by the reſpective Parliaments of the ſaid Kingdoms.

The queſtion was put, whether this Houſe ſhall agree with the Committee in this reſolution?

It was reſolved in the Affirmative.

I diſſent to every one of the 25 Reſolutions, Sta——ll.

We diſſent to the Reſolution of paſſing the laſt Article, becauſe there being no enumeration of what laws are to be repealed: It is conceived too great a latitude of conſtruction thereupon is left to the judges.

Roch——er.
No——th and *Gr——y.*
Guil——rd.
Le——gh.

Diſſentient to the 9th Reſolution.

I diſſent to every one of the 25 Reſolutions. Gra—lle.

I diſſent to every one of the 25 Reſolutions. Hav—am.

I diſſent to the 4 laſt reſolutions, having not been preſent at the paſſing of the others. Geo. B—th and W—lls.

Becauſe we humbly conceive the ſum of 48000*l.*, to be charged on the Kingdom of Scotland, as the quota of Scotland, for a land-tax, is not proportionable to the 4*s.* aid, granted by the Parliament of England: But, if by reaſon of the preſent circumſtances of that kingdom, it might have been thought it was not able to bear a greater proportion at this time; yet we cannot but think it unequal to this kingdom, that it ſhould be agreed, that whenever the 4*s.* aid ſhall be enacted by the Parliament of Great Britain, to be raiſed on land in England, that the 48000*l.*, now raiſed on Scotland, ſhall never be increaſed in time to come, though the trade of that kingdom ſhould be extremely improved, and

conſequently

conſequently the value of their land proportionably raiſed, which in all probability it muſt do, when this Union ſhall have taken effect.

N——th and *Gr——y*, *How——d*, *Roch—r*, *G——ford*, *Le——h*.

Diſſentient to the 15th Reſolution.

Becauſe we humbly conceive nothing could have been more equal on this head of the Treaty, than that neither of the Kingdoms ſhould have been burdened with the debts of the other contracted before the Union, and if that propoſal which we find once made in the minutes of the Treaty had taken place, there would have been no occaſion to have employed the revenues of the Kingdom of Scotland towards the payment of the debts of England, thoſe revenues might have been ſtrictly appropriated to the debts of that Kingdom, and to any other uſes within themſelves as ſhould have been judged requiſite, and there would have been then no need of an equivalent of very near 40000 *l.* to be raiſed on England within this year, for the purchaſe of theſe revenues in Scotland, which however it may prove to be but a reaſonable bargain upon a ſtrict calculation, there does not ſeem to have been a neceſſity juſt now to have raiſed ſo great a ſum, when this kingdom is already burdened with ſo vaſt ones for the neceſſary charges of the war.

Roch——r, *N—th* and *G——y*
L——h, *G—ford*.

I diſſent to every one of the 25 *Reſolutions*. Beau—t.

I diſſent to the 1, 4, 5, 6, 9, 15, 18, 19, 21, 22, 23, 25th, *Reſolutions*. Abing—n.

Diſſentient to the 22d Reſolution.

Becauſe we humbly conceive, in the firſt place, that the number of Sixteen Peers of Scotland is too great a proportion to be added to the Peers of England, who very rarely conſiſts of more than 100 attending Lords in any one ſeſſion of Parliament; and for that reaſon we humbly apprehend ſuch a number of Sixteen may have a very great ſway in the reſolutions of this Houſe, of which the conſequences cannot now be foreſeen.

In the ſecond place, we conceive the Lords of Scotland, who, by virtue of this Treaty, are to ſit in this Houſe, being not qualified as the Peers of England are, muſt ſuffer a diminution of their dignity to ſit here on ſo different foundations, their right of ſitting here depending entirely on an election, and that from time to time, during the continuance of one Parliament only; and at the ſame time we are humbly of opinion, that the Peers of England, who ſit here by creation from the Crown, and have a right of ſo doing in themſelves, or their heirs by that creation, for ever, may find it an alteration in their Conſtitution, to have Lords added to their number to ſit and vote in all matters brought before a Parliament, who have not the ſame tenure of their ſeats in Parliament as the Peers of England have.

N——b and *Gr——y*, *Buck—am*,
Le——b, *Roch—r*, *Guil—d*.

Die Martis 4° Martii.

Hodie 3ª vice lecta eſt Billa, intituled, Act for an Union of the Two Kingdoms of England and Scotland.

Then a Rider was offered to be added to the bill, which was read as follows, viz.

Provided always, that nothing in this Ratification contained ſhall be conſtrued to extend to an approbation, or an acknowlegment, of the truth of the Preſbyterian way of worſhip, or allowing the religion of the Church of Scotland to be what it is ſtyled, "The True Proteſtant Religion."

And it being propoſed that the ſame be read a ſecond time, and the debate thereupon, the queſtion was put, Whether this rider ſhall be read a ſecond time?

It was reſolved in the negative.

Diſſentient.

Beau——t, *Buck——am*, *N——b* and *G——y*, *Angl—y*, *Northam—n*, *Abing—n*, *Winch—ea*, *Noting—m*, *Geo. B—th* and *W—lls*, *Tha——t*, *Gra——lle*, *Sta—ll*, *Guern—y*, *Wey—th*, *Guil—d*, *L——h*.

The

The queſtion was put, Whether this bill ſhall paſs? It was carried in the affirmative.

Diſſentient.

Not——m, Angl——y, Tha—t, Winch——a, Northam—n, Scarſ—le, Weym——h, Güer—y.

Becauſe the Conſtitution of this Kingdom has been found ſo very excellent, and therefore juſtly applauded by all our neighbours for ſo many ages; ſo that we cannot conceive it prudent now to change it, and to venture at all thoſe alterations made by this bill; ſome of them eſpecially being of ſuch a nature, that as the inconveniency and danger of them (in our humble opinion) is already but too obvious, ſo we think more proper and decent to avoid entering further into the particular apprehenſions we have from the paſſing this law.

Beau—t, Buck—m, Sta—ll, Guil—d, Gran——e, Le—h.

N° A 3.

To the Right Honourable the Convention of Royal Burrows, the Petition of the Merchants, Owners of the Ships and Cargoes, now arrived at London and other Ports of England,

Humbly Sheweth,

THAT whereas we under ſubſcribing, having upon the faith of the Treaty of Union ſent from Scotland to England ſeveral goods and merchandize, allowed to be imported to Scotland, before commencement of the Union, and which were entered and paid her Majeſty's duties, and for which, before tranſportation, we obtained coaſting cocquets (a copy whereof, as approven by the Attorney-general at London, was tranſmitted to the Lords of Treaſury here, and delivered by them to the officers of her Majeſty's cuſtoms), upon which we had good ground to reſt ſecure; yet, to our great ſurprize, we have information, that not only our ſhips and goods are ſeized, but the goods themſelves made havock of and imbezzled (expreſly contrair to the Articles of Union), our ſeamen impreſt, and our ſhips thereby rendered uſeleſs, which treatment is ſo unſupportable, that all theſe promiſed advantages by the Union are like to be ſo many traps to inſnare us, which in the end muſt turn to our inevitable ruin; for, if our

effects be ſeized, and our ſhips laid up, and taken from us by violence, where ſhall we have any hopes left us for trade?

Theſe our grievances we have thought fit to lay before your Honours the Repreſentatives of the Royal Burrows in Convention aſſembled, that you, in your prudence, may addreſs her Majeſty in ſuch Terms as the preſent emergent of ſo much import and concern to the Nation doth require.

May it therefore pleaſe your Honours ſeriouſly to conſider of what we have above repreſented, and to lay our caſe before her Majeſty.

N° B 3.

A Copy of the Addreſs of the Royal Burrows to Her Majeſty.

To the Queen's moſt excellent Majeſty.

WE your Majeſty's moſt loyal and dutiful ſubjects, the General Convention of the Royal Burrows, in this part of your Majeſty's United Kingdom called Scotland, do moſt humbly repreſent, that, having received ſeveral grievous complaints from the Trading Merchants, how that they upon the faith of the late Treaty of Union, betwixt the Two Kingdoms, ratified in both their Parliaments, have from ſeveral ports of Scotland ſent to London, and ſeveral ports in England, goods and merchandize, allowed to be imported to Scotland, and actually there imported before the Union, for which they not only paid your Majeſty's duty, but being reſolved, upon the faith of the ſaid Treaty, to ſend them to England, after due deliberation, they by warrant from England received coaſt-cocquets and other ordinary documents from your Majeſty's Commiſſioners of the Cuſtoms lately eſtabliſhed, and did alſo, to cut off all pretext, make faith before the Lords of Your Majeſty's Treaſury and Exchequer, and other Judges, that the goods were imported upon their own proper account, and upon their own proper riſque.

Notwithſtanding whereof, they have very ſurprizing accounts from their correſpondents in England, that the Commiſſioners of your Majeſty's Cuſtoms there have given orders to ſeize their ſhips and goods, and that ſome of them are actually ſeized, and others both ſeized and imbezzled, and that the beſt conditions, they can obtain from your Majeſty's ſaid Commiſſioners in England, are,

that they ſhould give ſecurity or bail in ſome caſes for ſhip and cargo, and in other caſes for paying new and high duties, at the determination of the Britiſh Parliament: all which being in our humble apprehenſion nothing agreeable, but contrary to the faith of the ſaid Articles of Treaty, and a manifeſt diſappointment of theſe advantages and encouragements, that we ſtill did, and do firmly promiſe ourſelves from your Majeſty's royal Juſtice, and moſt gracious Government, and with all ſuch viſible hardſhips as muſt be the loſs, and even the ruin, of many honeſt traders, who cannot bear their ſhips and goods to be thus incumbered by bail and law-ſuits, or double and high duties, and withal ſubjected to the delay and hazard of uncertain determination:

We cannot but in the greateſt ſubmiſſion whereof we are capable, and with a yet greater confidence of your Majeſty's royal juſtice and goodneſs, whereof we have had ſo great and innumerable proofs, lay the caſe before your Majeſty as it is, viz. That, by the firſt Article of the Treaty of Union, the Two Kingdoms are for ever united into One after the firſt of May laſt, which plainly, after that day, excludes the very notion of importation or importers betwixt them, and all former reſtrictions and penalties impoſed thereupon: And, by the fourth Article, it is agreed, that all the ſubjects of the ſaid United Kingdom ſhall, from and after the Union, have full freedom and intercourſe of trade to and from any port or place within the ſaid United Kingdom, and that there be a communication of all other rights and privileges which do, or may, belong to the ſubjects of either Kingdom; by which it is plain, that we have the ſame privilege to tranſport our effects, notwithſtanding of former reſtraints, from one part of Britain to another, which your Majeſty's ſubjects of Berwick, Newcaſtle, Briſtol, &c. do enjoy, in importing now to Scotland, without any control, all ſuch goods, both of Engliſh and foreign manufacture and growth, as were before the Union expreſly prohibited by our laws: And farther, by the twenty-fifth and laſt Article of the ſaid Treaty, it is by Statute enacted, that all Laws and Statutes in either Kingdom, ſo far as they are contrary to, and inconſiſtent with, the Articles of the Union, ſhall from and after the Union ceaſe and become void; whereby it evidently appears, that the prohibitions and reſtrictions that might have been of force on either ſide, while we were ſeparate kingdoms, are now made void and for ever to ceaſe.

Being then founded upon ſuch clear and evident grounds, and yet much more upon the aſſuring experiences that we have always had of your Majeſty's juſtice, equity, and unparalleled goodneſs; we do, with all ſubmiſſion and humility, beſeech and obteſt your Majeſty, that you would be pleaſed to give ſuch orders to your High Treaſurer, and Commiſſioners of Cuſtoms, and others in England, that the aforeſaid heavy and vexatious grievances may be remedied and removed, that ſo the hearts and intereſts of all your good ſubjects may be united to your Majeſty's ſatisfaction and perpetual glory.

N°

N° C 3.

The Clauſe propoſed in the Engliſh Parliament, to prevent the French Goods being imported through Scotland.

AND whereas it is well known, that, in divers foreign parts, great quantities of goods and merchandizes have lately been ſhipt, and are now ſhipping, with intention to be carried to Scotland, and to be imported there, paying only the low duties in that Kingdom, before the firſt day of May, 1707, but with a manifeſt deſign to have the ſame brought coaſt-wiſe, after the ſaid firſt day of May, from that part of Great Britain now called Scotland, to that part of Great Britain now called England, Wales, or the Town of Berwick upon Tweed, without paying the high duties which are now payable in England, and which, after the ſaid firſt of May, will be alſo payable in the whole United Kingdom of Great Britain for the like goods imported there, which practice, if it be not timely prevented, does apparently tend, not only to her Majeſty's damage in her revenue, but to the ruin or impoveriſhment of many fair traders, who have ſtocks of ſuch commodities in either of the ſaid Kingdoms, by giving unreaſonable advantages to foreigners: Be it therefore enacted, by the authority aforeſaid, that all goods and merchandize imported, or to be imported, into Scotland, between the firſt day of February to the ſaid firſt of May, 1707, from any foreign parts beyond the ſea, and ſhall after the ſaid firſt day of May be brought by ſea or land into England, Wales, or the Town of Berwick upon Tweed, unleſs ſuch goods or merchandizes were ſhipt from any ſuch foreign parts as aforeſaid, for the ſale, account, and riſque, of ſome of her Majeſty's natural-born ſubjects of Scotland, and be afterwards brought from Scotland to England, Wales, or Town of Berwick upon Tweed, as aforeſaid, upon the like account and riſque, and unleſs ſuch reſpective goods and merchandize, from the time they were ſhipped in foreign parts, till the time they were brought into England, Wales, or Berwick, by the way of Scotland, as aforeſaid, did wholly and *bona fide* belong to ſome of her Majeſty's ſaid ſubjects of the Kingdom of Scotland, as the owners thereof ſhall be chargeable with, there ſhall be paid or ſecured for the ſame ſo much money as, together with the monies which ſhall have been actually paid upon the importation into Scotland, ſhall compleat all the ſubſidies, impoſitions and other duties which are to be paid or ſecured for the like goods or merchandize, in caſe they were imported directly into England before the ſaid firſt day of May.

And

And in caſe ſuch Goods and Merchandize be ſo brought in and landed before ſuch payment made, and ſecurity given (as the caſe requires), the goods ſo landed ſhall and may be ſeized, and the ſame and the Importers thereof be liable to ſuch Penalties and Forfeitures as by the laws of England are preſcribed for landing the like goods without paying or ſecuring her Majeſty's duties, or for defrauding her Majeſty thereof; and, if any doubt or queſtion ſhall ariſe, whether the goods and merchandize ſo brought in, or any of them, were brought from foreign parts by the way of Scotland for the ſale, account, and riſque of ſome of her Majeſty's ſubjects of that kingdom, within ſuch days and times as aforeſaid, or were their property in ſuch manner as aforeſaid, the *onus probandi* ſhall lie upon the perſon or perſons that ſhall claim the ſaid goods and merchandize, and not upon the ſeizer, informer, or proſecutor.

N° D 3.

The Humble Addreſs of the Scots Merchants at London, to the Right Honourable the Lords Spiritual and Temporal aſſembled in Parliament, againſt paſſing the Bill for laying Duties upon Goods which may be brought by her Majeſty's Subjects from Scotland to England after the commencement of the Union.

BY the Articles of Union, moſt ſolemnly ratified in Scotland and England, it is expreſly declared, That, from and after the firſt of May 1707, the Two Kingdoms ſhall be united into One, called Great Britain, and that all the ſubjects of either Kingdom ſhall have full freedom and intercourſe of trade and navigation to and from any port or place within the ſaid United Kingdom, and that there ſhall be a communication of all other rights, privileges, and advantages, which do or may belong to the ſubjects of either Kingdom.

It is humbly conceived, that the bill now before your Lordſhips is directly contrary to theſe Articles of Union; for nothing can be a greater hindrance to the freedom and intercouſe of Trade than the laying ſuch high duties on goods brought from Scotland to England as are by this bill intended to be impoſed on her Majeſty's Engliſh ſubjects, and the Scots reſiding here, whereby they are deprived of their juſt right of bringing goods from Scotland to England by tranſire duty-free, which is plainly granted to them by the fourth Article of Union, &c.

The

The exception in this bill, pretended to be in favour of the natives of Scotland reſiding there, deſtroys their privileges alſo, becauſe it only allows them to bring ſuch goods, duty-free, into England, after the Union commences, as have been before that time laden beyond ſeas, and imported into Scotland on their own accounts, but not to bring any ſuch as they have bought, or may buy, at their own markets, whereby this retroſpect bill will ſtop the circulation of trade, and enrail ruin on all the traders in Scotland, by confining ſuch quantities of goods to that part of Great Britain as will exceed the conſumption thereof.

The Scots being alſo hindered by this bill from bringing, duty-free, unto England, any goods imported into Scotland before the firſt of May, whereof they have not been the ſole proprietors from the time they were firſt ſhipped off beyond ſeas for Scotland until brought into England, they will be prevented from bringing their own parts of any goods wherein the Engliſh had any ſhare at the time of importation into Scotland.

And, a particular hardſhip to the Scots, the bill impoſes on them the unſupportable *onus probandi*, whereby they will be obliged to prove their ſole property from the time of buying the goods beyond ſeas to their arrival in England, in order whereto their factors, mariners, coopers, warehouſe keepers, porters, and a great number of other ſervants, muſt be all produced together at the Exchequer bar, and all maintained during their voyages and journies, and abode in London; ſo that the evidence, neceſſary on this occaſion, will coſt at leaſt 300 *l.* ſterling for each parcel of goods, beſides all the delay and vexation of a tedious courſe of law, and the ſevere penalties in caſe they ſhould, by one neglect or misfortune, fail in the leaſt particular of an abſolute proof.

This bill will not anſwer the propoſed end of advancing her Majeſty's revenues, but ſeems to be founded on miſtaken notions of trade, ſince, after the Union commences, the diſadvantages or conveniences to Great Britain will be equal, whether the goods then in Scotland remain, and be conſumed in that or any other part of the United Kingdom.

The allowances granted in ſome Articles of the Union, whereby the regulation of minute circumſtances is left to the Parliament of Great Britain, ſeems to be an unanſwerable argument that, where no ſuch liberty is given, even the Parliament of Great Britain was not intended to have the power of making any alterations or regulations; and as the laſt Article of the Union confirms the whole by repealing all laws in either Kingdom which are contrary to the Articles, this bill, if it ſhould paſs into an Act, and all other laws, being inconſiſtent with the Articles or any of them, will, as it is humbly conceived, be void after the firſt of May.

This

This bill differs little from the former ſent up to your Lordſhips laſt Seſſion, which your Lordſhips did not then think fit to paſs.

Therefore it is hoped that your Lordſhips will not paſs this Bill, being, as is humbly conceived, more injurious than the former, and which can only ſerve to advance diſtinctions and animoſities between the Subjects of Scotland and England, and prevent that Union of Hearts which her Majeſty ſo graciouſly recommended from the Throne.

*** Note, This Bill is unneceſſary in reference to Foreigners, who can have no benefit nor ſhare in the communication of Trade and Privileges mentioned in the 4th Article of Union, the ſame being thereby prudently reſtricted to the Subjects of both Kingdoms.

N° E 3.

Obſervations upon the Fourth Article of Union.

I. EQUITY and reaſon places the Subjects of the ſame Kingdom on equal foot, when they are cemented together in Affection, Laws, Trade, and Intereſt: this will be the caſe after the Union, when agreements on each ſide are fulfilled; but when England and Scotland were ſeparate, they who ſubmitted propoſed the Terms and Equivalents of an Union; and when theſe are granted and agreed, ſhould be honourably maintained with the greateſt nicety and favourable interpretation to the weakeſt. The reputation of England abroad is founded on the ſtability of their Treaties, as much as on the ſtrength of their Arms, Treaſure, or Conſtitution.

With the ſame ſtrength of reaſon and equity may the Scots deſire that Engliſhmen, ſince February laſt, ſhould be ſubject to the *onus probandi*, for Goods in their poſſeſſion, imported by foreigners, or for account of foreigners under covert.

By the ſame rule of reaſon, that the Engliſh require an augmentation of Duties on Goods imported into England, may the Scots deſire that Goods in England ſhould be taxed with Scots Duties, and then both Kingdoms would be on equal terms.

The eſtabliſhment of the Union was a communicatory contract, agreed and fixed by perſons equal in knowledge and freedom of will. The matter in debate was propoſed, argued, and covenanted; afterwards confirmed, in the moſt

ſolemn and authentick manner, by the Parliaments of both Kingdoms, and cannot now legally, and in a decent or friendly manner, be touched or amended in any point but by the Parliament of Great Britain, who are the competent judges of the rights, privileges, and conveniences of the United Kingdoms; when the general good, ſafety, and intereſt, of the whole will, with its natural weight, ſway the balance of Equity; when England will have no reaſon to repine at any accidental advantage which Scotland may get by the Union at its commencement, ſince it will not only enable, but encourage, that part of the United Kingdom to undergo with chearfulneſs their future reſtrictions and taxes.

II. To the ſecond reaſon the anſwer is plainly obvious, that the Sixth, Seventh, Fifteenth, and Eighteenth Articles of the Union, were conſented to by Scotland, in conſideration of an Equivalent; and the ſenſe of the Commiſſioners, on the point of Cuſtoms, is more fully explained in the Fourteenth Article of Union, *viz.* "That the Kingdom of Scotland ſhall not be charged with any Duties "laid on by the Parliament of England before the Union, except theſe con- "ſented to in this Treaty."

Certainly the Scots never expected, that, in the interval between the ratification of the Articles and the commencement of the Union, the Parliament of England would have laid the *onus probandi* upon the Subjects of Scotland, and for a time ſo far backward; nor that a greater proof for the property of Goods ſhould be required from the Subjects of Scotland than what is ſtipulated for juſtifying their intereſt in ſhipping by the Fifth Article of Union, by which they are free from all perplexing trials at the Exchequer bar, and are treated therein as friends and men of probity, by referring the proof of their intereſt to their proper oath, to be taken in the port next to the abode of the owner. This ſhows that the Scots never would have conſented to undergo the *onus probandi* in England, for any Goods in their poſſeſſion, belonging to them at or before the Union.

It was abſolutely impoſſible to attain this Union without a free communication of Trade; and, in conſequence, as abſolutely impoſſible to hinder the Scots from trading, as Scotſmen, in their own Kingdom, until the Union commences; or from trading afterwards, as Britains, when the Union takes place. To deny them the firſt privilege is to take away their birth-right; and to debar them from the latter advantage would be a grievous detriment, and a ſenſible injury, becauſe it touches their property at preſent, and weakens their hopes of advantage in future by the Union; at leaſt it will make them think their title precarious and uncertain.

After the firſt of May, 1707, when the Union is to commence, the Goods then brought from Scotland to England, and *vice verſâ*, cannot in any ſenſe be

ſaid to be either exported or imported; ſeeing, whether by land or water, they will only be carried from one place to another within the ſame Kingdom: and therefore this matter can no ways be comprehended under the Sixth Article.

III. To the third reaſon, That the fair Traders of England will be great ſufferers, &c. it may be anſwered, That a certain ſort of fair Traders, commonly diſtinguiſhed by the character of well-meaning F——s, are greater ſufferers daily, by the cunning contrivances of ſtock-jobbers, and other overreaching practices in Commerce, they would not cenſure a man who can take up money at 4 *per cent.* from private perſons, and at the ſame time can lend it to the Government at 8 *per cent.* If by the fair Traders be meant the Wine-merchants or Vintners, thoſe who know their method of management will admire how they have gained this character: allowing it, however, to them for once in complaiſance, their damage will be as ſoon forgot as the loſs of a ſhip is on the Exchange; and their loſs will be recompenſed by a publick advantage, which happens but once, and will be of very ſhort continuance. The Nobility and Gentry of England may drink the Queen's health, and proſperity to the Union, in a glaſs of claret at 2 *s.* 6 *d. per* quart, on which the beſt of the Nation ſaves 2 *s.* ſeeing the Vintner ſells his mixed liquor at 4 *s.* 6 *d.* The Scots Merchant or Importer from Scotland cannot gain nor ſave by his ſale one-fourth part of what the Engliſh Nation does; and the proportion will hold the ſame upon whatever quantities of Goods are imported from Scotland, if it were poſſible, to the value of a million of money. The Nation of England, in this time of jubilee, will be by far the greateſt gainer. If the ſole profit redounds wholly to the Scots Merchants, or to the Importers from Scotland, then the price of Goods will be kept at their preſent height, and the fair Traders of England cannot loſe by the ſtocks of Goods now on their hands.

IV. That the Revenue of the Cuſtoms will be very much diminiſhed, may be anſwered, That this is not a real loſs, but accidental and imaginary; for without the Union and Freedom of Commerce, thoſe Goods would not have been imported; and I am perſuaded, the Queen would rather loſe the value of the Goods imported, than ſuffer the foundation of the Union to be undermined, or her Subjects in Scotland to undergo hardſhips from which, in virtue of this Union, they may ſo reaſonably expect an exemption: and, I believe, all her Majeſty's friends and well-wiſhers to Great Britain will cordially praiſe her ſentiments, and readily concur in ſuſpecting the aſſertions of ſome gentlemen as to the quantities of Goods expected from Scotland. Theſe very perſons would not be afraid of finding money, in a day's time, to purchaſe the whole at prime-coſt, and to put themſelves in place of the Scots: then they would cry up the Union as ſacred,

as the firmeſt foundation of our Conſtitution, and would ſeverely cenſure the leaſt encroachment.

V. To the fifth and moſt important reaſon, The promoters of the bill are great men in their way, but in compariſon with Great Britain like two drops of water to the Ocean; and in their greateſt ſplendour are only valuable ſo far as they are uſeful to the common good: It is humbly conceived, every prudent man will conclude it is better to let a few men grumble than to diſguſt a Kingdom and the beſt of Queen's, by endangering the Conſtitution of Great Britain.

N° F. 3.

Commiſſion and Proclamation naming Juſticesof Peace within Scotland.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Purſuivants, Meſſengers at Arms, our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, greeting: foraſmuch as the appointing of Juſtices of the Peace, in that part of our Kingdom of Great Britain called Scotland, will contribute to the Peace, Quiet, and good Government thereof, and to the ſpeedy and impartial execution of Law and Juſtice to all perſons ſubjected to their power and juriſdiction; therefore, and for the furtherance of theſe ends, we, with advice of the Lords of our Privy Council in Scotland, do hereby nominate, conſtitute, and appoint, the perſons after ſet down, for the reſpective Shires and Burghs after-mentioned, to be Juſtices of the Peace within the ſame, in manner and to the effect after expreſt, giving, granting, and committing, to the ſaid perſons and their quorum, appointed by the Act of Parliament one thouſand ſix hundred and ſixty-one, within their reſpective bounds, full power, warrant, and commiſſion, to exerce the office and offices of Juſtices of the Peace, and to do, uſe, and practiſe whatever to that truſt doth appertain by the Laws and Acts of Parliament of Scotland; and more eſpecially by the thirty-eighth Act of the Parliament, one thouſand ſix hundred and ſixty-one years, intituled, "Commiſſion and Inſtructions to the Juſtices of the "Peace and Conſtables;" and which inſtructions are here held as repeated; as alſo to do, uſe, and exerce, whatever doth appertain to the ſaid office and truſt by virtue of the Laws and Acts of Parliament made in England before the Union, more particularly ſo far as the ſame may concern the office or duty of Juſtices of the Peace in the reſpective bounds, in all matters relating to our Cuſtoms and Exciſe, for the better obſervation of the Articles of the Union in all points; as alſo with full power to the ſaid Juſtices of Peace and their *quorum* foreſaid, to

appoint

appoint Conſtables conform to the ſaid Act of Parliament, one thouſand ſix hundred and ſixty-one, within their reſpective bounds, and according to the tenor and inſtructions ſet down therein for Conſtables in all points, the ſaid Juſtices of the Peace, and their Clerks reſpective, taking and ſwearing the oath of Allegiance, and ſubſcribing the ſame, with the aſſurance, as alſo taking the oath *de fideli adminiſtratione* at their firſt meeting, which is hereby declared to be upon the ſecond day of September next to come for all theſe beſouth the water of Tay, and upon the ſixteenth day of the ſaid month of September next, for all theſe benorth the ſaid water of Tay, at the head Burghs of the reſpective Shires and Stewartries above-mentioned; likeas, they are hereby ordained to report their ſaid taking and ſwearing the oath of allegiance, and ſubſcribing the ſame, with the aſſurance, to the Clerk of our Privy Council in Scotland within ten days thereafter: and it is hereby provided, that this our Commiſſion, granted to the ſaid Juſtices, and each of them, within their reſpective bounds as aforeſaid, is only to endure during our pleaſure, and until we ſhall recal the ſame: likeas, it is further provided and declared, that it ſhall be always leiſom to us to add to the number of Juſtices of Peace within the reſpective bounds aforeſaid, by a Letter or Warrant under our Royal hand, ſuch perſons as we ſhall from time to time think fit; which perſons, ſo to be added, ſhall have the ſame power and authority as if their names were expreſsly contained in this our Commiſſion and Proclamation; as likeways, reſerving to us our full power to remove or ſuſpend any of the ſaid Juſtices of Peace from their ſaid truſts and imployments, by a Letter or Warrant under our Royal hand: and, laſtly, we, with advice foreſaid, do hereby declare all former Commiſſions to Juſtices of Peace preceding the date hereof to be void and null. Our will is herefore, &c.

N° E. 3.

Copy of her Majeſty's Commiſſion to the Juſtices of Peace of Edinburgh Shire, with the Powers and Inſtructions to the whole Juſtices in North Britain.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, &c. to our deareſt Huſband George Prince of Denmark, the moſt reverend Father in Chriſt and our faithful Counſellor Thomas Archbiſhop of Canterbury, Primate of all England and Metropolitan thereof, our well-beloved and faithful Couſellor William Lord Couper Chancellor

cellor of Great Britain, &c. Know ye, that we have made and aſſigned you, conjunctly and ſeverally, and each one of you, our Juſtices for preſerving the Peace in our Shire of Edinburgh, and to the keeping of the whole Acts, Laws, and Statutes, for the good of our People and keeping thereof; and for the quiet Rule and Government of our people in all and ſundry articles thereof within your ſaid Shire, as well within the Liberties as without the ſame; and for the keeping and making the ſame to be keeped, according to the ſtrength, form, and effect of the ſaid Laws, and for the chaſtiſing and puniſhing delinquents or tranſgreſſors of the foreſaid Cuſtoms, Laws, and Statutes, or any of them, within your ſaid Shire, according and conform to the Cuſtom, Laws, and Statutes, made or to be made; and for making all thoſe who do menace or threaten one another of our People of their bodies, or of burning their houſes, find ſufficient ſecurity to the Peace; and that ye cauſe them come before you or any of you for that effect; and if they ſhall refuſe to find ſuch ſecurity, then you ſhall cauſe them be keeped ſafely in our Priſons until they find the ſaid ſecurity; as alſo, we have given to you, and each two or more of you, of whom any of you above-named, George Prince of Denmark, the Archbiſhop of Canterbury, Chancellor of Great Britain, &c. we will to be one of our Juſtices for inquiring conform to the Law and Cuſtom of the Land, concerning all and whatſomever Felonies or capital Crimes, Witchcrafts, Inchantments, magical Arts, Sorceries, Tranſgreſſions, Foreſtallings, Regratings, Ingroſſings, and Extortions whatſomever, and all and every other maleſices and Offences, concerning which the Juſtice of our Peace may lawfully inquire into, or ought to inquire into, by whomſoever or whatſomever perſons within the ſaid Shire the ſame be acted or done, or which hereafter ſhall happen there to be done or attempted; as alſo concerning all thoſe who within the ſaid Shire ſhall either go or ride armed in Conventicles contrary to our Peace, in moleſtation of our People, or hereafter ſhall preſume ſo to go or ride; as alſo, concerning all thoſe who there lie in wait for hurting, demembrating, or killing of our ſubjects, or who hereafter ſhall preſume to lie in wait; as alſo, concerning all Inns and Publick-houſes, and all and ſundry other perſons, who have tranſgreſſed in abuſing of Weights and Meaſures, or in ſale of Victuals, contrary to the Form, Laws, and Statutes, or any of them, made for the common good of our People, or concerning them who have attempted to tranſgreſs, or hereafter ſhall preſume to tranſgreſs and attempt the ſame; and ſicklike concerning whomſoever Sheriffs, Baillies, Stewarts, Conſtables, Keepers of Gaols, and other Officers, who unduly behaved themſelves in the execution of their Offices concerning the Premiſſes, or any part thereof, or who ſhall hereafter preſume to behave themſelves unduly, or who have been mean, remiſs, or negligent, or for hereafter ſhall happen to be ſo within your ſaid Shire; and

concerning

concerning all and ſundry articles and circumſtances, and other things whatſoever, done or perpetrate by whomſoever or whatſoever perſons in your ſaid County, or which ſhall happen to be done or attempted for hereafter, concerning the full truth of whatſoever ſort of the premiſſes, or any of them, and to look into whatſomever Indictments or Libels made, or to be made, before you, or any of you, or made and taken before the late Juſtices of our Peace within the ſaid Shire, and not yet determined: as alſo to proceſſes thereupon concerning all and ſundry ſuch Indictments and Accuſations, or by making and compelling them who ſhall happen hereafter to be indicted or accuſed before you, until they be taken, and deliver themſelves, or be outlawed or denounced Rebels, and to hear and determine all and ſundry Felonies, capital Crimes, Witchcraft, Inchantments, magical Arts, Sorceries, Tranſgreſſions, Foreſtallings, Regratings, Ingroſſings, Extortions, Conventicles, Indictments, and, moreover, all and ſundry others the Premiſſes, conform to the Laws and Statutes of the Kingdom, as the ſame uſed to be in the like caſes; and for chaſtizing and puniſhing the ſame Delinquents, and each of them, in their own crimes by fines, redemptions, amerciaments, and out-laws, or any otherwiſe accuſtomed to be, or ought to be, conform to the Law and Conſuetude of the Land, or the Form, Law, and Statute of the ſame: Providing always, that if any difficulty ſhall happen to ariſe at determining of any of the Premiſſes, before you, or any two or more of you, then you ſhall not proceed in it to give judgment, except in the preſence of one of our Lords of Juſticiary, or one of our Juſticiary holding the Circuit Courts aſſigned in your ſaid County: and therefore we charge you, and every one of you, that you diligently attend concerning the keeping the Peace, Laws, and Statutes, and whole other Premiſſes; and that you, or any two of you, or more, appoint for that end certain times and places, and diligently make enquiry in the Premiſſes, and hear and determine all and ſundry the Premiſſes, and make and cauſe theſe things to end and be fulfilled according to the foreſaid form made thereanent, which pertains to the Juſtices of Peace, conform to the Law and Conſuetude of the Land. Reſerving to us the amerciaments and others ariſing to us therefrom, we, be the tenor hereof, charge you, our Sheriffs of Edinburgh, that at ſuch certain days and places as two or more of the ſaid Juſtices ſhall acquaint you of, you cauſe ſo many and ſuch honeſt and lawful men of your Shire, as well within the Liberties as without the ſame, come before you the ſaid Juſtices, or any two or more of them, as ſaid is, by whom the verity of the matter in the Premiſſes may be the better known and determined; and we alſo charge our Cuſtos Rotulorum, or Keeper of the Rolls of our Peace within the ſaid Shire, that he cauſe ſhort precepts or minutes of Proceſſes or Indictments come before you at the ſaid days

and

and places, that they may be enquired into, and duly ended and determined, as ſaid is. In teſtimony whereof we have made thir preſents patent, witneſs myſelf at Weſtminſter, the 13 of May, and of our reign the 7 year.

Sic Subſcribitur, WRIGHT.

N° H. 3.

Anno Sexto Annæ Reginæ.

An Act for rendering the Union of the Two Kingdoms more intire and complete.

WHEREAS, by her Majeſty's great wiſdom and goodneſs, the Union of the Two Kingdoms hath been happily effected, and the whole Iſland is thereby ſubject to One Sovereignty, and repreſented by One Parliament; to the end therefore that the ſaid Union may be rendered more complete and intire, be it enacted, by the Queen's moſt excellent Majeſty, by and with the advice and conſent of the Lords Spiritual and Temporal and Commons in this preſent Parliament aſſembled, and by the authority of the ſame, that from and after the firſt day of May, in the year of our Lord one thouſand ſeven hundred and eight, the Queen's Majeſty, her Heirs and Succeſſors, ſhall have but One Privy Council in or for the Kingdom of Great Britain, to be ſworn to her Majeſty, her Heirs and Succeſſors, as Sovereigns of Great Britain; and ſuch Privy Council ſhall have the ſame powers and authorities as the Privy Council of England lawfully had, uſed, and exerciſed, at the time of the Union, and none other.

And to the end the publick peace may be in like manner preſerved throughout the whole Kingdom, be it further enacted, by the authority aforeſaid, that in every Shire and Stewartry within that part of Great Britain called Scotland, and alſo in ſuch Cities, Boroughs, Liberties, and Precincts, within Scotland, as her Majeſty, her Heirs or Succeſſors, ſhall think fit, there ſhall be appointed by her Majeſty, her Heirs or Succeſſors, under the Great Seal of Great Britain, a ſufficient number of good and lawful men to be Juſtices of the Peace within their reſpective Shires, Stewartries, Cities, Boroughs, Liberties, or Precincts, which perſons, ſo appointed, over and above the ſeveral powers and authorities veſted in Juſtices of the Peace by the laws of Scotland, ſhall be further authorized to do, uſe, and exerciſe, over all Perſons within their ſeveral bounds, whatever doth appertain to the office and truſt of a Juſtice of Peace, by virtue of the

Laws

Laws and Acts of Parliament made in England before the Union, in relation to or for the preſervation of the public Peace; provided, nevertheleſs, that, in the Seſſions of the Peace, the methods of tryal and judgments ſhall be according to the Laws and Cuſtoms of Scotland.

Provided that nothing in this Act contained ſhall be conſtrued to alter or infringe any Rights, Liberties, or Privileges, heretofore granted to the City of Edinburgh, or to any other Royal Borough, of being Juſtices of the Peace within their reſpective bounds.

And whereas by an Act made in Scotland, in the third Seſſion of the ſecond Parliament of the late King Charles the Second, intituled, "An Act concerning "the Regulation of the Judicatures," ſeveral good and wholeſome proviſions were made concerning the Juſtice-Court, and amongſt others it was thereby enacted, that once a year Circuit-Courts ſhould be kept at the time and places in the ſaid Act mentioned: Now, for the better and ſpeedier adminiſtration of Juſtice and further preſervation of the publick Peace in that part of the Kingdom of Great Britain called Scotland, be it alſo enacted by the authority aforeſaid, that for the future twice in the year, that is to ſay, in the months of April or May, and in the month of October, Circuit-Courts ſhall be kept in the ſeveral places in the ſaid Act mentioned, and in manner and form as in the ſaid Act contained.

And for the more uniform and expreſs method of electing and returning Members of Parliament, be it likewiſe further enacted by the authority aforeſaid, that, when any Parliament ſhall at any time hereafter be ſummoned or called, the Forty-five Repreſentatives of Scotland in the Houſe of Commons of the Parliament of Great Britain ſhall be elected and choſen by authority of the Queen's writs, under the Great Seal of Great Britain, directed to the ſeveral Sheriffs and Stewarts of the reſpective Shires and Stewartries; and the ſaid ſeveral Sheriffs and Stewarts ſhall, on receipt of ſuch writs, forthwith give notice of the time of Election for the Knights or Commiſſioners for their reſpective Shires or Stewartries; and at ſuch time of Election the ſeveral Freeholders in the reſpective Shires and Stewartries ſhall meet and convene at the Head-Burghs of their ſeveral Shires and Stewartries, and proceed to the Election of their reſpective Commiſſioners or Knights for the Shire or Stewartry; and the Clerks of the ſaid meetings, immediately after the ſaid Elections are over, ſhall reſpectively return the names of the perſons elected to the Sheriff or Stewart of the Shire or Stewartry, who ſhall annex it to his writ, and return it with the ſame into the Court out of which the writ iſſued: and as to the manner of Election of the Fifteen Repreſentatives of the Royal Boroughs, the Sheriff of the Shire of Edinburgh ſhall, on the receipt of the writ directed to him, forthwith direct his precept to the Lord Provoſt of Edinburgh, to cauſe a Burgeſs to be elected

for that City; and, on receipt of ſuch precept, the City of Edinburgh ſhall elect their Member, and their common Clerk ſhall certify his name to the Sheriff of Edinburgh, who ſhall annex it to his writ, and return it with the ſame into the Court from whence the writ iſſued: and as to the other Royal Burghs, divided into fourteen Claſſes or Diſtricts, the Sheriffs or Stewarts of the ſeveral Shires and Stewartries ſhall, on the receipt of their ſeveral writs, forthwith direct their ſeveral precepts to every Royal Borough within their reſpective Shires or Stewartries, reciting therein the contents of the writ, and the date thereof, and commanding them forthwith to elect each of them a Commiſſioner, as they uſed formerly to elect Commiſſioners to the Parliament of Scotland, and to order the ſaid reſpective Commiſſioners to meet at the preſiding Borough of their reſpective Diſtrict (naming the ſaid preſiding Borough) upon the thirtieth day after the day of the teſte of the writ, unleſs it be upon the Lord's-day, commonly called Sunday, and then the next day after, and then to chooſe their Burgeſs for the Parliament: and the common Clerk of the then preſiding Borough ſhall, immediately after the Election, return the name of the perſon ſo elected to the Sheriff or Stewart of the Shire or Stewartry wherein ſuch preſiding Borough is, who ſhall annex it to his writ, and return it with the ſame into the Court from whence the writ iſſued: and, in caſe a vacancy ſhall happen in time of Prliament, by the deceaſe or legal incapacity of any Member, a new Member ſhall be elected in his room, conformable to the method herein before appointed; and, in caſe ſuch ſuch vacancy be of a Repreſentative for any one of the ſaid Fourteen Claſſes or Diſtricts of the ſaid Royal Boroughs, that Borough, which preſided at the Election of the deceaſed or diſabled Member, ſhall be the preſiding Borough at ſuch new Election.

Provided always, that, upon the iſſuing of writs of ſummons for the electing of a Parliament, if any Shire or Stewartry, wherein a Royal Borough is, hath not then a turn or right to elect a Commiſſioner, or Knight of the Shire or Stewartry for that Parliament, that then it ſhall be omitted out of the writ directed to ſuch Sheriff or Stewart, to cauſe a Knight or Commiſſioner for that Shire or Stewartry to be elected for that Parliament.

N°

N° I 3.

A Proclamation concerning Engliſh Coin.

ANNE, by the grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Meſſengers at Arms, our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, greeting: Foraſmuch as, by the ſixteenth Article of the Treaty of Union betwixt the Two Kingdoms, it is provided, that, from and after the Union, the Coin ſhall be of the ſame ſtandard and value throughout the United Kingdom as now in England; and, &c. [a declaration of the Parliament's approbation, and in what terms following]: that therefore we, with advice of our Privy Council, have appointed, and hereby appoint, the places and perſons entruſted, and the day and time ordered by the ſaid remit of Parliament, to be as follows, *viz.* the towns of Edinburgh, Glaſgow, and Aberdeen, to be the places for telling in of the ſaid money; and that at the Town of Edinburgh there be three tables and diſtinct offices for receiving in of the money; one in the Inner-houſe, where the Lords of Seſſion are in uſe to meet; another in the laigh Council-houſe, where the Magiſtrates of Edinburgh were in uſe to meet; and the third in the New-room, for the meeting of the Burrows on the Low Exchange; and that each of the ſaid tables be attended with a ſufficient number of Tellers and Clerks for writing certificates, to be appointed by the Magiſtrates of Edinburgh; and further, that, at each Office or Table, there be preſent one of the Lords of our Privy Council, and one of the ſaid Magiſtrates; as alſo, that one of the ſaid Lords, and one of the ſaid Magiſtrates, with a ſufficient number of Tellers, and a Clerk, go to the Bank-office for telling the Engliſh Silver-money in the Bank; as likewiſe, that at Glaſgow and Aberdeen there be competent Tellers kept at the reſpective Council-houſes of the ſaid Burghs, attended by ſufficient number of Tellers and Clerks; and that the Magiſtrates of the ſaid Burghs reſpectively, at leaſt three of them, be preſent at the receiving and telling in of the ſaid money; and that the day for telling the ſaid money be the ſeventeenth day of April next to come; and that the attendance begin, at the reſpective places above-mentioned, at ſix in the morning, and continue till twelve a clock; and to begin again at two in the afternoon, and continue till ſix in the evening the ſaid day; at which times and places, all perſons within this kingdom, having money of the Silver-coin of England, are required to preſent and offer their ſaid money to be told, that they may receive Certificates in manner above and after-mentioned,

and the perſons entruſted reſpectively as above are hereby required to receive from all perſons what Engliſh money they have to preſent and tell down in their preſence; which being ſo exhibite and told down, the ſaid perſons intruſted are to ſeal the ſame up in bags, and detain it till the ſaid fix a clock of the ſame day, and immediately to deliver back to the owner, with a Certificate ſigned by the perſons above-mentioned reſpective, *viz.* at Edinburgh, by the Lords of Privy Council and Magiſtrates attending at each Office and Table; and at the Bank-office, and at Glaſgow and Aberdeen, by the Magiſtrates of the ſaid Burghs, or three of them reſpectively, before two witneſſes, bearing the ſum exhibite and told down, with the ſum ordained to be paid out by the party to the Teller, effeirand to twenty pence upon each hundred pounds ſterling; and the foreſaid perſons reſpective above-named are hereby ordained to write down an exact account of the reſpective Certificates to be granted by them, and of the perſons names to whom, and of the ſums that ſhall be therein contained: and the ſaid perſons, named and intruſted in manner foreſaid, are hereby required and ordained to ſubſcribe the ſaid general accompt before witneſſes, upon the ſame day above-mentioned, and to tranſmit the ſame to the Clerks of our Privy Council without delay, under the penalty of five hundred merks: and we, with advice foreſaid, hereby expreſsly diſcharge the receiving in any Engliſh money upon any other day after the forefaid preciſe day appointed as ſaid is, or altering any Certificates formerly granted, under the pain of falſhood and forgery: As likewiſe we, with advice foreſaid, diſcharge the Engliſh money to paſs at any higher rate than the rate of England, at five Shillings ſterling per Crown, and ſo proportionally, and that it ſhall be no otherways current, nor offered or received in Payments after the ſaid day: And, further, we declare the ſaid Certificates, to be granted by the ſaid reſpective perſons intruſted as ſaid is, are to be a ſufficient title for recovering the loſs ariſing from the ſums therein contained, and what was paid to the Teller out of the Equivalent: And we, with advice foreſaid, ordain the Commiſſioners of the Equivalent to pay out the ſame to the bearer of the Certificates, without delay, loſs, or defalcation; and that how ſoon the ſaid Commiſſioners ſhall have received the ſum of the Equivalent out of which the ſaid loſs is to be repaired, declaring that the loſs to be made upon the ſaid Engliſh money is only for the ſpecies of Silver-coin: Our will is therefore, &c.

N° K 3.

Proclamation, calling in the Scots Crowns old and new, the Forty, Twenty, and Ten Shilling Pieces, to be re-coined.

ANNE, by the Grace of God, Queen of Great Britain, France, and Ireland, Defender of the Faith, to our Lyon King at Arms, and his brethren Heralds, Macers of our Privy Council, Purſuivants, Meſſengers at Arms, our Sheriffs in that part, conjunctly and ſeverally, ſpecially conſtitute, greeting. Forasmuch as we by our former proclamation of the date the nineteenth day of September laſt, in proſecution of the fifteenth Article of the Treaty of Union betwixt the Two Kingdoms, for reducing the Coine of Scotland to the ſtandart and value of the Coin of England, and of the remit made by the late Parliament of Scotland to our Privy Council for that effect, did, upon the grounds therein narrated, give full and diſtinct orders to all our liedges, owners and poſſeſſors of any ſpecies of foreign coin then current in Scotland, for bringing in the ſame in order to be recoined and reduced to the ſtandart of England; and thereupon did farder ordain and declare, that, after the ſixth day of October, then next, and now paſt, all the foreſaid foreign ſpecies of money ſhould be no more current, but only held and repute as bullion, in manner mentioned in the ſaid Proclamation; and that, after the fifteenth day of the ſaid month of October, it ſhould only be received at the Mint as bullion to be re-coined, without any conſideration of loſs, and with the benefit of a free coinage allannerly, with the exception contained in favours of the Bank in manner mentioned in the ſaid Proclamation. And it being farder reſolved by our Privy Council in Scotland, after the calling in of the foreſaid foreign ſpecies of money to be re-coined in the firſt place, that then the preſent Scots coin now current in Scotland ſhould alſo be called in, in order to the ſaid reduction, as our Privy Council ſhould think fit: and there being ſufficient proviſion now made to prevent the want, and maintain the currency, of money and ſpecies; therefore we, in purſuance of the ſaid reſolve, with advice of our Privy Council, have thought fit to intimat, and do hereby ſolemnly intimat to all our liedges, owners, and poſſeſſors of the ſeveral ſpecies of our Scots coin following, viz. Scots crowns, old and new, forty ſhilling, twenty ſhilling, and ten ſhilling pieces; that they may, at their pleaſure, bring in and offer the ſame to the Bank in Edinburgh, who will be ready to receive the ſaid Scots ſpecies upon every ordinary day of the week (Saturday excepted), betwixt eight and twelve in the forenoon, and two and ſix in the afternoon; and for which they are immediately upon

upon the receipt to iſſue and give out their notes, or make payment in other current money, to the ſaid owners and poſſeſſors, in the option of the demander, and that betwixt and the tenth day of February next to come incluſive; reſerving always to ſuch as ſhall not be willing to lodge their money in the Bank, liberty and privilege of giving it in to the mint for re-coinage in due courſe as ſaid is; and farder, we, with advice foreſaid, do hereby ordain and declare, that, after the ſaid tenth day of February next to come incluſive, all the foreſaid ſpecies of Scots money, viz. crowns old and new, forty ſhilling, twenty ſhilling, and ten ſhilling pieces, ſhall be no more current nor offered, nor receivable in any payments; but ſhall, from and after the ſaid day, be only held and repute as bullion to be diſpoſed upon by the owners within the kingdom as they ſhall think fit, except as to the Bank of Scotland at Edinburgh, by whom the ſame ſhall be received at the full value, until the twenty-fifth day of the ſaid month of February next incluſive, and no longer, in manner above-mentioned; declaring farder, that the foreſaid Scots ſpecies, hereby diſcharged and turned to bullion, as ſaid is, ſhall, from and after the ſaid twenty-fifth day of February incluſive, be only received at the Mint, by whomſoever preſented, either by the Bank, or any other of our Liedges, as bullion to be re-coined according to the ſaid ſtandart and value of the coin of England; but without any conſideration of loſs which they may thereby ſuſtain, and with the benefit of a free coinage allannerly, as was formerly in uſe: excepting always herefrom all the ſaid Scots ſpecies, that ſhall be given in to, and found in the Bank, before and upon the ſaid twenty-fifth day of February, according to an accompt thereof, to be taken by order of our Privy Council for certifying the ſame, to the effect that when given in by the Bank at any time thereafter to the Mint for re-coinage, the Bank, and the Directors thereof, may have their loſs, and allowance thereupon, made good to them as given in before the ſaid day. Our will is therefore, &c.

N° I.

KING Edward likewiſe, to perfect the marriage between his ſon Prince Edward and Margaret Queen of Scots, with the general approbation of the Keepers, Nobles, and Natives of that Realm, granted and ratified to the Nobles and people of Scotland theſe enſuing Articles, agreed on by ſpecial Commiſſioners ſent on both ſides, and approved by him by letters under his Great ſeal, which he took an oath to obſerve, under the penalty of forfeiting 100,000*l.* to the Church of Rome, towards the Holy Wars, and ſubjecting himſelf to the Pope's Excommunication,

munication, and his Kingdom to an Interdict, in case of violation or non-performance, as the following Patent (enrolled both in Latin and French) attests:

'Universis ad quorum notitiam præsentes Literæ pervenerint, Edwardus Dei 'gratia Rex Angliæ, &c. salutem in Domino. Cum nos nuper ad partes Scotiæ 'destinassemus venerabiles Patres in Christo Antonium Dunelmensem & Radul- 'phum Carliolensem eadem gratia Episcopos, & nobiles Viros Johannem Ga- 'rennæ & Henricum Lincoln Comites, Willielmum de Vescy Militem, & Magis- 'trum Henricum de Newark, Decanum Ecclesiæ Ebor. nostros solempnes Nuncios '& Procuratores, qui nostro Nomine aliqua annuissent & concessissent Custodibus, 'Episcopis, Abbatibus, Comitibus, Baronibus, ac toti Communitati ejusdem 'Regni Scotiæ; si per eos sic concessa nobis & nostro consilio placuissent; ac 'prædicti Nobiles ac tota Communitas Regni Scotiæ prædicti ob hoc & alia ne- 'gotia misissent ad nos venerabilem patrem Robertum Dei gratia Glasguensem 'Episcopum, & nobilem Virum Dominum Johannem Comyn, custodes Regni 'Scotiæ, ac venerabilem Patrem Alanum eadem gratia Cathanensem Episcopum 'suos solempnes Nuncios & Procuratores: nos super prædictis per nostros Nun- 'cios concessis informati & consulti, considerantes etiam, & ponderantes amorem '& affectionem quam Gens prædicti Regni Scotiæ habet ad nos, & filium nostrum '& hæredem Edwardum, concessionem & factum prædictorum Nunciorum nostro- 'rum ratum habemus & firmum, prout de verbo ad verbum est infra scriptum de 'tali tenore. Universis ad quos præsentes literæ pervenerint, Antonius Dunel- 'mensis, & Radulphus Carliolensis Dei gratia Episcopi, Johannes de Garenna, & 'Henricus de Lincoln, Comites, Willielmus de Vescy miles, & Henricus de New- 'ark Decanus Ecclesiæ Ebor. Procuratores speciales & Nuncii solempnes Mag- 'nifici Principis Domini Edwardi Dei gratia Regis Angliæ illustris, salutem. 'Cum inter cætera quæ contingunt negotium & tractatum habitum inter excellen- 'tissimum Dominum nostrum supradictum ex parte una; & venerabiles Patres 'Custodes & cæteros Episcopos, Abbates, & totum Clerum, nobiles viros, Co- 'mites & Barones, totamque Communitatem Regni Scotiæ, ex altera, super Ma- 'trimonio contrahendo inter Dominum Edwardum, filium & Hæredem prædicti 'Domini nostri Regis, & Dominam Margaretam natam egregii Principis Domini 'Erici Regis Norwagiæ ejusdem Regni Scotiæ, hæreditariam & Reginam; a nobis 'esset petitum ex parte eorundem Custodum, Prælatorum, Nobilium, & Com- 'munitatis ipsius Regni Scotiæ, quod pro Domino nostro prædicto & hæredibus 'suis, eis concederemus & firmaremus, Jura, Leges, Libertates & Consuetudines 'dicti Regni Scotiæ, tam Ecclesiasticas quam Seculares, hactenus usitatas '& optentas: nos habita consideratione diligenti ad pacem & tranquillitatem 'utriusque Regni, & mutuam dilectionem habitantium in eisdem, cunctis tempori- 'bus remansuram, concedimus nomine & vice Domini nostri prædicti & hæredum

'suorum

'ſuorum, quod Jura, Leges, Libertates & conſuetudines ejuſdem Regni Scotiæ,
'in omnibus & per omnia, per totum ipſum Regnum & ejus Marchiam, integre
'& inviolabiliter perpetuis temporibus obſerventur: ſalvo jure dicti Domini noſtri,
'& alterius cujuſlibet quod ſibi vel alii cuicunque ſuper his quæ conſiſtunt in Mar-
'chia vel alibi ante præſentis conceſſionis tempora, competit, vel competere
'juſto modo poterit in futurum. Volentes & concedentes expreſſe nomine dicti
'Domini noſtri, hæredum ſuorum & noſtro, quod deficientibus prædictis Edwardo
'& Margaretæ, vel eorum altero, abſque liberis extantibus, in omni caſu & eventu,
'in quo ad proximiores hæredes regnum prædictum debeat de jure reverti, in-
'tegre, libere, abſolute, abſque ulla ſubjectione revertatur & reſtituatur eiſdem;
'ſi forſan ad manus antedicti Domini noſtri Regis vel hæredum ſuorum, ipſum
'Regnum Scotiæ aliquo caſu contingerit devenire. Ita quod ratione præſentis
'facti Domino noſtro Regi, vel hæredibus ſuis, aut alicui alii nichil accreſcat
'aliquatenus vel decreſcat. Similis vero fiat reſtitutio, per prædictum Dominum
'noſtrum Regem vel hæredes ſuos, de corpore prædictæ Dominæ Margaretæ,
'ſi in eventu reverſionis hujuſmodi, in ipſius vel hæredum ſuorum fuerit po-
'teſtate, ſecundum formam ordinationis & conventionis factæ ſuper hoc apud
'Sarum. Concedimus inſuper & promittimus bona fide, Domini noſtri prædicti
'nomine & hæredum ſuorum, quod quando prædicta Margareta, Domina & Re-
'gina Scotiæ, maritabitur chariſſimo nato & hæredi ejuſdem Domini noſtri Ed-
'wardo, dotabitur vel habebit in dotationem propter nuptias, de cæteris terris in
'regno Angliæ, prout decet congrue ſtatum ſuum, unde ipſa Regina & amici ſui
'contenti rationabiliter eſſe poterunt & debebant. Promittentes nihilominus vice
'& nomine prædicti Domini noſtri Regis & hæredum ſuorum, quod Regnum Scotiæ
'remaneat ſeparatum & diviſum & liberum in ſe, ſine ſubjectione a Regno Angliæ
'per ſuas rectas diviſas & Marchias, ſicut a retro hactenus extitit obſervatum. Salvo
'jure dicti Domini noſtri & alterius cujuſlibet, quod ſibi vel alii cuicunque ſuper
'his, quæ conſiſtunt in Marchia vel alibi, ante præſentis conceſſionis tempora com-
'petiet vel competere juſto modo poterit in futurum. Set quod Caſtra & Fortalicia
'de novo in Marchia non firmentur, non ſumus in hoc conſulti, quod dicto Domino
'noſtro Regi & ſuis, talem imponeremus ſervitutem, ubi anteceſſores & homines
'ſui uſi ſunt hactenus firmare caſtra, fortalicia, & domos in terris ſuis, ſicut fecerunt
'ſui progenitores, quia alias majori ſubjicerentur ſervituti, quam illi de Regno Sco-
'tiæ vel aliqui anteceſſorum ſuorum. Ad hæc, expreſſe concedimus pro eodem Do-
'mino noſtro & hæredibus ſuis, quod capitula Eccleſiarum Cathedralium, Collegiata-
'rum & Conventualium, quæ proprias habent electiones, non compellantur exire
'Regnum ipſum Scotiæ; ad petendum licentiam eligendi, vel præſentandi ſuos elec-
'tos, vel fidelitatem Regi Scotiæ facere ſeu Sacramentum. Et quod nullus tenens in
'capite de prædicto Rege Scotiæ compellatur exire Regnum pro homagio, fideli-

'tate ſeu fine, pro relevio faciendo. Illud idem viduis & miſerabilibus perſoni,
'in petendis & habendis dotibus & quærenda Juſtitia concedentes. Set in Regno
'ipſo, aliquis ex parte dicti Domini noſtri Regis, nomine Dominæ Margaretæ
'ipſius Regni Reginæ, & Domini Edwardi filii & hæredis Domini noſtri prædicti
'deputetur, ad jam dicta repienda & eorum nomine facienda: ſalvo homagio
'quod in perſonali Regis præſentia fieri oportebit, ſet fidelitate facta, habeat
'ſeiſinam terræ ſuæ ſine dilatione per breve de capella.' 'Nec quod aliquis de
'Regno Scotiæ, pro contractu inito, vel delicto commiſſo in eodem Regno, vel in
'aliquo caſu teneatur, reſpondere extra idem Regnum, contra Leges & con-
'ſuetudines ejuſdem Regni, ſicut hactenus extitit rationabiliter obſervatum. Et
'quod Sigillum Regni, quod nunc currit, poſt mortem Regis teneatur & currat,
'quouſque Regina prædicta venerit in Regnum ſuum, & fecerit Deo & Eccleſiæ,
'ac communitati ipſius Regni, in loco ad hoc ſpecialiter deputato, quod fuerit
'faciendum ſecundum leges & conſuetudines dicti Regni, & quod tunc ſtat novum
'ſigillum de conſuetis armis & circumſcriptione nomine Regni Scotiæ tantum, penes
'Cancellarium ejuſdem Regni, qui pro tempore fuerit, remanſurum. Volentes quod
'habeant Cancellarium de Regno, & in Regno Scotiæ reſidentem ad officium
'Cancellarii exequendum. Et idem concedimus de Camerario, Clerico de
'Rotulis Capellæ Domini Regis, Juſticiiaris, & aliis ejuſdem Regni Miniſtris;
'& quod nulla litera jus commune, vel gratiam continens ſpecialem, de dicta
'Cancellaria tranſeat, niſi ſecundum ſolitum & debitum curſum Capellæ Regis
'& Regni Scotiæ prædictorum. Reliqua vero Cartæ, privilegia & alia muni-
'menta, quæ tangunt Regalem dignitatem & Regnum Scotiæ, in tuto loco po-
'nantur ſub firma cuſtodia infra Regnum Scotiæ, & ſub ſigillis majorum de Regno,
'& per viſum eorum, donec prædicta Domina venerit in Regnum ſuum, & pro-
'lem habuerit ſuperſtitem, & prædicta munimenta ac privilegia in ſuis juribus
'integraliter cuſtodiantur. Et ſimiliter, quod nulla fiat ſubjectio, alienatio, vel
'obligatio rerum ad Regalem dignitatem regni Scotiæ pertinentium, donec præ-
'dicta Domina & Regina in Regnum ſuum venerit, & Prolem ſuperſtitem habu-
'erit, ut ſuperius eſt expreſſum: promittentes firmiter & concedentes, quod nati
'& hæredes, Comitum, Baronum & Nobilium, qui pro tempore erunt in cuſtodia
'& maritagio Domini Regis Scotiæ, poſt mortem anteceſſorum ſuorum, per
'prædictum Regem nullatenus diſperagentur. Nec quod Parliamentum teneatur
'extra Regnum & Marchiam Scotiæ, ſuper his quæ contingunt ipſum Regnum,
'vel Marchiam, ſeu ſtatum inhabitantium ipſum Regnum, nec etiam tallagia,
'auxilia, exercitus vel malatanta, exigantur a prædicto Regno, aut imponantur
'gentibus ejuſdem Regni, niſi pro communibus Regni negotiis expediend', & in
'caſibus in quibus Reges Scotiæ talia petere conſueverunt. Ad quæ omnia
'ſupradicta integre & fideliter obſervanda, prædictus Dominus noſter Rex faciet

‘ in animam ſuam jurari. Et Prælati ac Magnates Angliæ infraſcripti, videlicet
‘ Cantuar. & Ebor. Archiepiſcopi, ac Winton. Lincoln. Dunelm. & Carliol.
‘ Epiſcopi, necnon Nobiles viri Domini, Edmundus, Domini noſtri Regis Ger-
‘ manus, & Cornub. Pembrock. Gloverniæ, Warennæ, Lincoln. Norff. & Suff.
‘ & Oxon. Comites, fideliter procurabunt præmiſſa firmiter obſervari. Et ſi Rex
‘ egerit extra Regnum, quod locum ſuum tenens, vel tenentes in ejus abſentia,
‘ vel hæres ipſius Domini Regis legitimæ ætatis exiſtens, aut ejuſdem hæredis
‘ cuſtos ſeu cuſtodes, dum fuerit minoris ætatis, quilibet in ſuo caſu præſtabunt
‘ ſeu præſtabit conſimile Sacramentum. Promittimus etiam, quod prædictus Do-
‘ minus noſter Rex, pro ſe & hæredibus ſuis, obligabit ſe ad reſtitutionem dicti
‘ Regni faciendam in caſibus ſupradictis, ſub pœna centum millium librarum
‘ ſterlingarum, ſolvendarum Eccleſiæ Romanæ in ſubſidium terræ ſanctæ. Et
‘ præter hæc quod Dominus Papa dictum Dominum noſtrum Regem & hæredes
‘ ſuos poſſit per ſententias excommunicationis in perſonas, & interdicti in Regnum
‘ & terras eorundem, tam ad Regni prædicti reſtitutionem, quam ad pœnæ ſolu-
‘ tionem, ſi commiſſa fuerit, cohercere; principali obligatione nihilominus in ſuo
‘ robore duratura. Concedimus inſuper & promittimus nomine Domini noſtri
‘ Regis prædicti, quod idem Dominus noſter præſentem obligationem propriis
‘ ſumptibus & pro viribus faciat, infra annum a tempore ſponſalium inter præ-
‘ dictos Edwardum & Margaretam contractorum, articulatim per ſummum Pon-
‘ tificem confirmari, & infra idem tempus, communitati Regni Scotiæ liberari;
‘ quod ſi infra annum prædictum id facere non poterit, illud quam citius potuerit,
‘ fieri impetrabit, ita quod illud perficiatur: Et ſi hoc non faciat ſuo tempore,
‘ quod hæredes ſui ad id faciendum bona fide teneantur. Proteſtamur etiam in
‘ hiis ſcriptis, quod omnia præmiſſa taliter intelligantur, quod juri unius Regni
‘ vel alterius ratione præſentis facti, nichil decreſcat aliqualiter vel accreſcat:
‘ Nec alicui Regum Regnorum prædictorum, quin libere habeant ſtatum ſuum.
‘ In quorum omnium & ſingulorum præmiſſorum teſtimonium & evidentiam
‘ pleniorem, ſigilla noſtra præſentibus duximus apponenda. Dat. apud Brigh,
‘ die Martis proxima ante feſtum beatæ Margaretæ Virginis, videlicet 15 Kal.
‘ Auguſti anno Domini 1290; & ad majorem hujuſmodi ratificationis & confir-
‘ mationis noſtra ac omnium prædictorum authoritatem & evidens teſtimonium
‘ has literas noſtras fieri fecimus patentes, ſigillo noſtro Regio conſignatas. Dat.
‘ Norht. 28 die Aug.”

But the death of this Queen, a little before her deſigned voyage towards Scotland and England, put a period to all the promiſed procurations, patents, articles; fruſtrated this much deſired marriage between Prince Edward and her, and raiſed new queſtions between the competitors for the Crown, which of them was next heir thereunto, who all referred the final deciſion thereof to King Edward.

N°

N° 2.

NICHOLAUS Epiſcopus, ſervus ſervorum Dei, dilecto filio nobili viro Edwardo nato chariſſimi in Chriſto filii noſtri, Edwardi Regis Angliæ illuſtris, ſalutem & Apoſtolicam benedictionem. Petitio tua nobis exhibita continebat, quod propter contiguitatem Angliæ, Scotiæque regnorum diverſa ſcandala, rancores, & odia inter ipſa regna & eorum Reges hactenus ſunt exorta, ex quibus nonnulla rerum & corporum contigiſſe pericula dignoſcuntur, ſicque cum claræ memoriæ A. Rex Scotiæ ſit viam univerſæ carnis ingreſſus proprio maſculino genere non extante, & dilecta in nobis Chriſto filia Margareta nata chariſſimi in Chriſto filii noſtri Erici Norwegiæ Regis illuſtris, Neptis prædicti Regis Scotiæ, regno ipſi Scotiæ regi ſuccedat veriſimiliter dubitatur, quod ſi forſan Regnum ipſum ad manus alterius ex ipſius Margaretæ contrahendo conjugio proveniret, de facili poſſent hujuſmodi ſcandala, rancores & odia pullulare, ac provenire ex ipſis pericula graviora; unde ad hujuſmodi periculis obviandum, ac ad ſedandum & obliviſcendum ſcandala, rancores, & odia ſupradicta, & ad procurandum & nutriendum veræ pacis & dilectionis commoda, inter prædicta Regna & incolas eorundem, deſideras cum prædicta Margareta matrimonialiter copulari. Set quia tertio conſanguinitatis gradu quo tu & eadem Margareta, nata ex quadam Margareta conſobrina tua præfati Norweg. Regis Uxore, vobis attinetis ad invicem prohibente, id non poteſt perduci legitime ad affectum, Apoſtolicæ ſedis licentiam ſuper hoc humiliter imploraſti; nos itaque in prædictis Regnis & ubique locorum Deo & Romanæ Eccleſiæ devotorum, pacem & concordiam affectantes & intendentes ad id ſtudia quæ poſſumus adhibere: Sperantes quoque quod ex hujuſmodi matrimonio, ſi fiet, memoratis Regnis, odiorum tenebris inde propulſis, proſperitatum quamplurium, dante Domino, incrementa provenient. Conſiderantes etiam, quod ſi predictum Regem patrem tuum, juxta ſui voti præſagia, contingat in terræ ſanctæ ſubſidium proficiſci, poſſet ipſi Regi ſuoque Regno & tibi, & per conſequens præfatæ terræ ſanctæ negotio, ſi alii prædicta Margareta nuberet, deperire. Penſantes inſuper, quod nulla ex hujuſmodi provenire debere ſcandala veriſimiliter formidantur.

Hiis & aliis dignis conſiderationibus ſubſiſtentibus excitati, tuis ſuplicationibus annuentes, tecum & cum Margareta præfata ut inpedimento conſanguinitatis hujuſmodi non obſtante matrimonium invicem legitime contrahere, ac in contracto licite remanere poſſitis, authoritate Apoſtolica de ſpeciali gratia diſpenſamus; prolem ſuſcipiendam ex te ac dicta Margareta ex hujuſmodi matrimonio nunciantes ex nunc legitimam, de Apoſtolica plenitudine poteſtatis. Nulli ergo omnino hominum liceat hanc paginam noſtræ diſpenſationis infringere, vel ei auſu temerario contraire. Si quis autem hoc attemptare præſumpſerit, indignationem Omnipo-

tentis Dei, & beatorum Petri & Pauli Apoſtolorum ejus, ſe noverit incurſurum. Dat. Romæ apud Santam Mariam majorem, 16 Kal. Decembris, Pontificatus noſtri anno ſecundo.

N° 3.

MAgnifico Principi & amico ſuo kariſſimo Domino Erico, Dei gratia, Regi Norwagiæ illuſtri, Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ, & Dux Aquitaniæ, ſalutem, & proſperis ſemper ſucceſſibus habundare. Cum ex liberali benignitate ſedis Apoſtolicæ ſufficiens & plena nobis diſpenſatio de filio noſtro Edwardo & Margareta filia veſtra Regina Scotiæ matrimonialiter adinvicem copulandis, non obſtante conſanguinitatis gradu, quo ſibi adinvicem attinere noſcuntur, per ſanctiſſimum patrem noſtrum Dominum Nicholaum ejuſdem ſedis ac univerſalis Eccleſiæ ſummum Pontificem, rite & inſpirante gratia Salvatoris ſit conceſſa, & realiter jam obtenta; ad quod utique cuſtodes, Magnates, Prælati ac tota communitas prædicti Regni Scotiæ, unanimi & expreſſa voluntate ſuum præbuerunt jam conſenſum; id quod vobis, ut confidimus, propter utriuſque Regni Angliæ & Scotæ ſecundam proſperitatem & mutuam utilitatem placidum & acceptum eſſe, veriſimiliter attendamus, veſtram ſerenitatem regiam requirimus & rogamus attente, quatenus ad tam felicem dictæ diſpenſationis & copulæ conjugalis effectum proſequendum finaliter & complendum, prædictæ Dominæ Margarete filiæ ad partes noſtras Anglicanas adventum curetis adeo tempeſtive maturare, ut obnixius obſtringamur. Grave ſiquidem gereremus, ſi noſtra hinc inde vota in hoc aliqualiter diſcreparent, aut ſaltem protelare faceretis, quod in hac parte regiam Celſitudinem non deceret. Valeat & vigeat feliciter Regia Majeſtas veſtra, & proſperis ſemper floreat incrementis. Dat. apud Aumbriſbury, 15 Kal. Maii, anno Regni noſtri decimo octavo.

Eidem Regi, Edwardus Dei gratia Rex Angliæ, Dominus Hiberniæ & Dux Aquitaniæ, ſalutem, & proſperis ſemper ſucceſſibus habundare. Ad frequentem & votivam inſtantiam venerabilis patris Domini Antonii Dei gratia Dunolm. Epiſcopi veſtram de Regno Scotiæ utilitatem affectantes, & vehementer proſequentis, quam utique nos in hoc & in aliis appetimus fœliciter proſperari, damus, concedimus, & committimus eidem Epiſcopo plenam & ſpecialem poteſtatem & authoritatem plenariam, vobiſcum per ſe, vel per ſuos procuratores, aut nuncios ſpeciales, tractandi, conferendi, ordinandi juramento, ſcriptis vel obligationibus, ſuo & noſtro nomine, ſi neceſſe fuerit affirmandi negotia, vos & nos Filium noſtrum & Filiam veſtram contingentia, ſecundum quod magis viderint expedire.

Ratum

Ratum habentes & firmum quicquid per prædictum patrem Dunelm Epiſcopum vel nuncios aut procuratores ſuos, vel eorum aliquos, ad hoc ſpecialiter deputatos factum, ordinatum vel affirmatum fuerit ſuo & noſtro nomine in præmiſſis. In cujus, &c. Sigillum noſtrum fecimus præſentibus appendi. Dat. apud Wodeſtok, 10 die April. anno, &c. eodem.

Et memorand. quod iſtæ duæ literæ, licet ſint de data in eis contenta, irrotulatæ fuerunt hic, eo quod tangunt factum Norwag. & nichilominus iſta ultima litera irrotulata eſt in Rotulo patentium de anno xvii menſe April.

N° 4.

OMnibus has literas viſuris vel audituris, Edwardus, &c. ſalutem. Noveritis nos literas cuſtodum Regni Scotiæ communi ſigillo Regni ejuſdem ſignatas, non cancellatas, non abolitas, nec in aliqua ſui parte vitiatas, in forma quæ ſequitur, inſpexiſſe. Excellentiſſimo Principi Domino Edwardo Dei gratia Regi Angliæ illuſtri, Domino Hiberniæ, & Duci Aquitaniæ, cuſtodes Regni Scociæ per communitatem ejuſdem Regni, ſalutem, & continuum ſemper gloriæ & honoris incrementum. Notum vobis facimus per præſentes, quod cum ad preces & inſtantiam veſtram, ad præſentiam veſtram venerabiles in Chriſto Patres W. & R. permiſſione divina Sancti Andreæ & Glaſguen. Epiſcopos, nobiles viros Robertum de Brus patrem, Dominum Wall. Anand. & Johannem Comyn deſtinemus pro quibuſdam rebus ſeu negotiis, vobis per quoſdam ſolempnes nuncios Domini Regis Norwag. illuſtris, ſuggeſtis, ficut per literas veſtras nuper nobis miſſas didicimus; damus & concedimus prædictis deſtinatis poteſtatem & mandatum tractandi cum dictis nunciis Norwag. coram vobis, ſuper rebus ſeu negotiis vobis expoſitis per eoſdem, & ea quæ erunt in veſtra præſentia ab utraque parte concorditer ordinata, affirmandi. Salvis tamen in omnibus & ſingulis & per omnia libertate & honore Regni Scotiæ; Ratum & gratum habituri quicquid per prædictos deſtinatos in veſtra præſentia tractatum fuerit & affirmatum; dummodo ex hoc Regno Scotiæ & ejus incolis nullum impoſterum præjudicium generetur. In cujus rei teſtimonium, has literas patentes ſigillo regimini Regni Scotiæ deputato fecimus ſigillari. Dat. apud Monaſterium de Melros, tertio die Octobris, anno gratiæ 1289. In cujus, &c.

Memorand. quod iſta litera ſigillata liberata fuit in Eccleſia beatæ Mariæ Sarum ſeptimo die Novembr. anno, &c. decimo ſeptimo, per manum venerabilis patris R. Bathon & Wellen. Epiſcopi Cancellar. Regis, nunciis Regis Norwag. Et litera originalis

roriginalis una cum litera ſubſequente, eodem die in eadem Eccleſia, liberata fuit per manus ejuſdem Cancellarii Domino Epiſcopo Dunelm. In præſentia venerabilis patris Domini Wigorn. Epiſcopi, & Domini W. de Valen. & J. de Warenna. Com. Sarr. per manum ejuſdem Epiſcopi Dunelmen. in Garderoba Regis liberand'.

N° 5.

OMnibus has literas viſuris vel audituris, Edwardus, &c. ſalutem. Noveritis nos literas ſereniſſimi Principis Ericii, eadem gratia Regis Norwag. illuſtris, ſigillo ſuo ſignatas, non cancellatas, non abolitas, nec in aliqua ſui parte vitiatas, in forma quæ ſequitur, inſpexiſſe. Excellentiſſimo & magnifico Principi, affini & amico ſuo kariſſimo, Domino Edwardo Dei gratia Regi Angliæ. Domino Hyberniæ, & Duci Aquitaniæ, Ericius eadem gratia Rex Norwag. ſalutem, & ſinceræ dilectionis conſtantiam, cum honoris & gloriæ perpetuis incrementis. Noverit veſtra Majeſtas Regia, quod nos dilectos ac fideles noſtras, Tirricium de campis Iudi Baronem Petrum Algothi, quondam Regni Suet. Cancellar. Thorwaldi de Shetland, & Guthorinum de Oſleya, Milites, latores præſentium, facimus, conſtituimus, & ordinamus, noſtros veros & legitimos procuratores & nuncios ſpeciales, ad tractandum & conferendum cum Serenitate veſtra, ſuper quibuſdam negotiis, nos & filiam noſtram kariſſimam Margaretam conſanguineam veſtram, Dominam ac Reginam Scotiæ, ac ipſum regnum ſuum Scotiæ tangentibus: Dantes & concedentes eiſdem nunciis & procuratoribus noſtris authoritatem plenariam & mandatum ſpeciale ad ſtabilienda prædicta negotia, & ad omnia alia facienda ſine quibus prædicta negotia expedire non poſſint, prout nobis & filiæ noſtræ ſupradictæ melius credere viderint ad commodum & honorem. Ita tamen quod ſi omnes hiis expediendis intereſſe nequiverint, tres vel duo ex ipſis nichilominus in negotiis procedant ſupradictis. Ratum habituri & gratum, quicquid per dictos nuncios & procuratores noſtros, ſeu ipſorum tres vel duos factum fuerit & ordinatum in præmiſſis ſeu quolibet præmiſſorum. In cujus rei teſtimonium præſens procuratorium ſigilli noſtri appenſione duximus roborandum. Dat. apud Civitatem Bergenſ. Kal. April. anno Regni noſtri decimo. In cujus rei teſtimonium, has literas noſtras fieri fecimus patentes. Teſte meipſo apud Clarendon, 6 die Novembr anno Regni noſtri decimo ſeptimo.

N° 6.

REX Prelatis, magnatibus, ac toti communitati Regni Scotiæ, ſalutem & dilectionem ſinceram. Quia negotia, quæ contingunt kariſſimam conſanguineam noſtram, Margaretam Dominam & Reginam Regni ejuſdem, ad honorem Dei, & tranquillitatem totius commuuitatis ejuſdem Regni, ac commodum & profectum ipſius conſanguineæ noſtræ prædictæ bene & fideliter proſperari, totis deſideriis peroptamus; vos requirimus & rogamus attente, quatinus cuſtodibus ad regimen dicti Regni nomine prædictæ noſtræ conſanguineæ deputatis, taliter intendentes ſitis & obedientes, quod nos & Domina veſtra antedicta poſſimus & debeamus fidelitatem veſtram habere merito commendatam. Proponimus ſiquidem ſtatim poſt inſtans Parliamentum noſtrum London. ad partes veſtras Scotiæ, aliquos de noſtro concilio deſtinare; per quos ac etiam per ipſius terræ cuſtodes de ſtatu ejuſdem Regni, quem appetimus tranquillum & pacificum ſemper eſſe, certificati erimus, Deo dante. Dat. apud Clarendon, ut ſupra. Et ſunt clauſæ.

N° 7.

CUM egregius Princeps Eryk, Rex Norweye, & Domina Margareta nata Regis ejuſdem, Domina Regina & hæres Regni Scotiæ, requiſiviſſent per ſuos ſolempnes nuncios, Dominum videlicet Terricum de Campis ludi, Petrum Algothi, & Guthorinum de Aſeleya, magnificum Principem Dominum Edwardum, Dei gratia illuſtrem Regem Angliæ, quod ipſe opem apponeret & conſilium, qualiter prædictæ Reginæ neptæ ſuæ obediretur, ut Domina Regina, & hæres Regni Scotiæ ſupradicti, & quod ipſa inde ordinare poſſit pariter & gaudere, prout aliis faciunt Reges regnis; præfatus Dominus Angliæ Rex illuſtris, pro bono pacis dicti regni Scotiæ, & reformatione ſtatus ſuæ neptæ, jam dictæ, Cuſtodibus regni Scotiæ literas ſuas miſit, quod Cuſtodes ipſi mitterent perſonas nominatis & certas, qui poteſtatem haberent tractandi formam aliquam pro ſe & aliis, ad emendationem dicti regni Scotiæ, & reformatione ſtatus Reginæ jam dictæ. Iidem quoque Cuſtodes, ad requiſitionem hujuſmodi Domini Regis Angliæ prælibati, miſerunt, juxta effectum requiſitionis ejuſdem, venerabiles in Chriſto patres Sancti Andreæ & de Glaſcuen. Epiſcopos, & nobiles viros Dominos Robertum de Brus, Dom. Val. de Anaunt, & Johannem de Comyn, ad tractandum prout ſuperius eſt jam dictum; qui apud Sareſbur. venientes, ad menſem Sancti Michaelis prox. nunc elapſum, ad quem locum predictus dominus Rex Angliæ honorabiles

honorabiles in Chriſto patres Dominos Godefridum Wygorn. & Antonium Dunelmenſem Epiſcopos, ac egregios viros, dominos Guillielm. de Valenc. Pembrok. & Johannem de Garenum Com. pro tractatu prædicto tranſmiſit, qui ſimiliter venientes ibidem ad tractand. ex parte ipſius Regis Angliæ cum nunciis Norweye, & nominatis Scotorum ſupradictis, poſt diſceptationes inter eos varias & tractatus, in formam tandem talem pariter concordarunt, videlicet, quod præfata Domina Regina & hæres in regnum veniat Angliæ aut Scotiæ citra feſtum omnium Sanctorum proximo jam futurum, ab omni contractu maritagii & ſponſalium libera & quieta; & hoc præfati nuncii Norweye, quantum in ipſis eſt, bona fide promiſerant, ſe procuratores futuros & curatores citra terminum jam prædictum, niſi Regina rationabile & allocabile eſſonium habeat in hac parte. Promiſit inſuper bona fide jam dictus Rex Angliæ, quod ſi præfata Domina ab omni contractu Maritagii & Sponſalium, in manum ſuam aut cuſtodiam libera veniat & quieta; & quando Regnum Scotiæ aſſecuratum bene fuerit & in pace, ita quod Domina ipſa ſecure venire valeat, & in eo morari, ipſumque Regem Angliæ per gentem Regni Scotiæ requiri continget, idem Rex Angliæ eandem Dominam in regnum Scotiæ mittet, ita liberam & quietam a contractibus, de quibus ſuperius eſt locutum, ſicut recepit eandem. Ita tamen quod bona gens Scotiæ, antequam ipſam Dominam recipiant, ſufficientem faciant ſecuritatem & bonam Regi Angliæ prænotato, quod prædictam Dominam, niſi per ordinationem ipſius, voluntatem & concilium, ac per aſſenſum Domini Regis Norweye Patris ipſius Dominæ nullatenus maritabunt. Prænominati vero Miſſi Scotiæ promiſerunt ſimiliter bona fide pro ſe & aliis Regni Scotiæ quod ipſi aſſecurabunt terram Scotiæ antequam dicta Domina veniat in eandem, & quod ſecuritatem ſibi facient, quod inibi ut in Regnum ſuum ſecure venire poterit, & pro ſuæ voluntatis libito commorari, prout ipſius terræ vera Domina, Regina, & Hæres, quodque de præmiſſis omnes ſecuritates præſtabunt, quæ rationabiles fuerint, & quas dicti nuncii Norweye ipſos facere poſſe dicent. Quod ſi forſan de Cuſtodibus aut Miniſtris aliquis vel aliqui dicti Regni Scotiæ ipſis de Norweya vel Reginæ prædictæ inutilis vel inutiles, ſuſpicioſus aut ſuſpicioſi extiterit vel extiterint, totiens Miniſtri & Cuſtodes amoveantur hujuſmodi, quotiens opus erit, & meliores alii de Regno Scotiæ loco ponentur eorum, ſecundum conſiderationem & providentiam proborum hominum terrarum Scotiæ & Norweyæ, & illorum inſuper quos ad hoc prælibatus Rex Angliæ duxerit deſtinandos. Si autem illi de Scotia & de Norwegia in hac parte concordare non poſſint, mediantibus ope & conſilio gentium Regis Angliæ ſupradicti, tunc res ex illa parte ſe teneat, cui gentes ipſius Regis Angliæ conſilium concordaverint. Et hoc nedum ſit attendendum in expreſſis ſuperius, ſet & in omnibus diſceptationibus, quæ inter eos in dicto Regno Scotiæ reſultabunt, ejuſdem Regni ſtatum & reformationem contingentibus quoquomodo. Placet enim partibus, quod dicti

Regni Scotiæ ſtatus hujuſmodi Angl. & Norweye Regibus reportetur. Item concordarunt partes prædictæ, quod ad mediam quadrageſimam proximo jam futuram erit gens Scotiæ apud Rokeſburgh. & in circuitu loci ejuſdem, gens vero quam tranſmittet Rex Angliæ ad requiſitionem illorum de Scotia & Norweya in partibus de Warks, & de Karhin. eodem die erit. Ad quem diem promiſerunt illi de Scotia bona fide de affirmanda præmiſſis omnibus & complendis, tam de ſecuritatibus, quam cunctis aliis ſupraſcriptis, quæ contingunt emendationem Regni Scotiæ memorati: & hoc in illorum præſentia, quos præfatus Rex Angliæ ad dictos diem tranſmittet & loca, ut videre poſſint prædicta firmitet adimpleri. Et in teſtimonium præſcriptorum præfati procuratores Regis Norweye & Miſſi de Scotia huic ſcripto cirographato in tres pecias, quarum duæ in Galico penes Regem Angliæ & illos de Scotia, & tertia in Latinum tranſlata, penes procuratores Norweye reſident, ſua appoſuerunt Sigilla. Et ad requiſitionem Procuratorum Norweyæ, & nominatorum Scotiæ predictorum præfati Domini Wygorn. & Dunelmen. Epiſcopi, ac de Pembrok. & de Garen. Comites ſupraſcripti ſua ſimiliter præſentibus appoſuerunt Sigilla in teſtimonium præmiſſorum. Dat. apud Saleſbury Dominica in Feſto Sancti Leonardi, Anno Dom. 1289.

N° 8.

REX Theſaur. & Camerariis ſuis ſalutem. Libertate de Theſauro noſtro Magiſtro Giffredo de Vezano, Domini Papæ Clerico, quinque millia Marcarum per manus ſuas eidem Domino Papæ liberand. de Annis Regni noſtri 12, 13, 14, 15, & 16. videlicet, de quolibet Anno mille Marcas, quem idem Dominus Papa percipit ad Scaccarium noſtrum. Et recipiatis ab eodem Magiſtro Giffredo ſufficientem quietanciam de pecunia ſupradicta. Teſte Rege apud Ledes, 18 die Auguſti.

N° 9.

REX omnibus ad quos, &c. ſalutem. Sciatis nos conceſſiſſe venerabilibus patribus, Willielmo Dei gratia Sancti Andreæ, & Roberto Glaſguen. Epiſcopis, ac nobilibus viris, Roberto de Bruys, Domino Wal. de Anant. & Johanni Comyn, qui ad nos ex parte cuſtodum Regni Scotiæ nuper venerunt in nuncium; & Terrico de campis Ludi, Petro Algoti, & Guithorno de Aſſebeye, Nunciis & Procuratoribus egregii Principis Domini Ericii Regis Norwag. Quod ſi Domina

Margareta nata Regis ejuſdem, noſtraque neptа, Domina Regina & Hæres Scotiæ, in partibus Angliæ veniat, ab omni contractu Maritagii & Sponſalium libera & quieta, nos ipſam domicellam ita liberam & quietam ab omni contractu Matrimonii & Sponſalium probis hominibus Regni Scotiæ ad eorum requiſitionem liberabimus, quam cito terra Scotiæ prædicta aſſecurata fuerit & in pace. Ita quod ipſa Domina ſecure venire valeat in eandem, & inibi commode commorari; ſub tali tamen modo, quod prædicti probi homines Regni Scotiæ antequam præfatam recipiant Dominam, ſufficientem ponent ſecuritatem & bonam nobis & Regi Norwag. ſupradicto, quod ipſam Dominam nullatenus maritabunt, niſi de conſenſu noſtro, & Regis Norwag. ſupradicti, & hæredum ſuccedentium nobis Regi Angliæ, ſi de nobis interim contingat humaniter vel in remotas partes a noſtro Regno prædicto contigeret nos transferre. In quibus caſibus hæredes noſtros, ac hæredum noſtrorum, & Regni Cuſtodes in noſtri abſentia obligamus ad præmiſſa ſervanda, quæ promiſimus bona fide. In cujus rei teſtimonium, &c. Teſte Rege apud Clarendon, 6 die Novembr.

Et ſunt Duplicatæ & ſimiliter liberatæ per manum venerabilis Patris R. Bathon. & Wellen. Epiſcopi Cancellar. Regis apud Sarum 8 die Novembris, Willielmo de Bliburg. per manum ſuam liberand. unam videlicet nunciis Regis Norwag. & aliam nunciis Cuſtodum Scotiæ.

N° 10.

A Touz ceus qi ceſte lettre verrunt ou orrunt, Roberd par la grace de Deu Eveſke de Glaſguen. & Johan Comyn Gardeyns du Reaume de Eſcoce e Alayn per meime. la grace de Deu Eveſqe de Chattenes ſolempnes Meſſages & procururs des autres Gardeyns, & des Eveſqes, Abbes, Priors, Countes & Baruns e de tote la Commune de Eſcoce, faluz en Deu. Come les honurables peres en Deu Anntoyne de Dureme, & Rauf de Cardoyl par la grace de Deu Eveſqes, e les nobles homes Johan de Garenne & Henry de Nichole Countes, Sire Guilliam de Veſcy, e Meſtre Henry de Newerk deen del Egliſe de Everwyk, eſpeciaus procururs & ſolempnes Meſſages le noble Prince Sire Edward par la grace de Deu Roy de Engleterre, pur acons perils & ſuſpecions qe il auoient entendu, nus euſſent de par meimes le Roy de Engleterre demaunde la garde des Chaſtiens & de Forteleſces du Reaume de Eſcoce & de Cele demaunde departir ne voleynt ſaunz Conceillier lou Segniur le Roy avauntdit. Nus ſur ceo e autres choſes venimes a la preſence meimes le Roy de Engleterre avauntdit. Qui ſeur celes choſes conceil e deliberation

deliberation euwe a noſtre requeſte nous graunta cele choſe delaer deqes a la venue noſtre dame, qe ſerra a la touz ſeinz proſhein avenir, ou devaunt ſi Dieu pleſt. Pur la quele choſe nus Procururs et Meſſages avauntdiz, ouek aucuns des Gardeyns des Chaſteux de Eſcoce, ceſt aſaver Sire Guilliame de Seint Cler. Patrick de Graham, e Johan de Soules, qe iloqe vindrent oue nous, en noun des avauntdiz Gardeyns, Eveſques, Abbes, Priors, Countes et Baruns, e tote la Commune du Reaume de Eſcoce, grauntons, volons, et fermement promettons, qe quel hore qe la Dame veigne en Engleterre ou en Eſcoce, quite et deliure de tot mariage, eſtre celui, qe nus auons otrie; nus icels Chaſteus e Forteleſces rendrons et ferons rendre a lavanndite noſtre Dame, e a noble Ber Sire Edward fiz al avauntdit Roy de Engleterre. E de cel hore enauannt les obirons enſemble, come a Seignour e Dame en ceſte choſe et totes autres qe al avauntdit Reaume apendent, de cel houre, qe il ſerront venuz en Eſcoce, e averont fet per eus ou per autres dedenz le Reaume ſerement de quel qe il ſeient en lu duw, ſolom les leys e les coſtomes de la terre de Eſcoce, ne a nul autre mariage ne aſſentirons, ne a autre Seigneur ne obirons, taunt qil viveront, ſi il ne ſoit par le aſſent e la volente le Roy de Engleterre, e Sire Edward ſon fiz. E ſi la Dame ne veigne en Engleterre ou en Eſcoce entre cy e la toux ſeinz prochein avenir, nus volons e promettons pur nus et pur tous les autres du Reaume de Eſcoce, qe touz les Gardeyns des Chaſteus e de Forteleſces de meimes le Reaume ſeient adonqe obligez per ſerement e par eſcrit, de garder e de ſauver i ceus Chaſteus et Forteleſces al oes e en noun noſtre Dame anauntdite, e Sire Edward fiz e heyr le avauntdit Roy de Engleterre. E ſi nul des Gardeyns des Chaſteus e de Forteleſces ſeyt ou ſeyent renablement ſuſpecenous a eus ou a nous, il ſerrount remuwe taunt de foiz come meſter ſerra per commun counſeil du Roy de Engleterre, e de bone gent de Eſcoce, e as autres du Reaume nient ſuſpecenous, ſouz bone ſeurte bailleu. Memes la choſe grauntons, otrions et promettons des Gardeyns e des autres Miniſtres du Reaume.

N° 11.

'THAT though it would ſeem moſt proper for the Scots to ſue to us, who
'are Superiors in the Field, and Maſters of a great part of their Realm;
'yet, that our charitable mind and brotherly love might be known, we do, by all
'means poſſible, provoke and call you to your own commodity and profit, as
'the Father does the Son, or the elder Brother the younger, and invite you to
'Amity and Equality; becauſe as we inhabit in the ſame Iſland, there is no

'People ſo like one another in Manners, Cuſtoms, and Language; but becauſe 'ſome object that we do not ſeek Equality, nor the Marriage, but a Conqueſt; and 'that we would not be Friends but Lords, although our Proclamation at the laſt 'Wars did enough declare the contrary; yet here we declare to you and all 'Chriſtian People, to be the King's Majeſty's mind our Maſter's, by our Advice 'and Counſel, not to conquer, but to have in Amity; not to win by Force, 'but to conciliate by Love; not to ſpoil and kill, but to ſave and keep; not to 'diſſever and divorce, but to join in Marriage, from high to low, both the 'Realms; to make of one Iſle, one Realm, in Love, Amity, Concord, Peace, and 'Charity. We offer Love; we offer Equality and Amity; we overcome in War, 'and offer Peace; we win Holds, and offer no Conqueſt; we get in your Land, 'and offer England. What can be more offered and more proffered than 'intercourſe of Merchandizes, and interchange of Marriages; the aboliſhing 'of all ſuch our Laws as prohibit the ſame, or might be impediment to the 'mutual Amity? We have offered not only to leave the Authority, Name, Title, 'Right, or Challenge of Conqueror, but to receive that which is the ſhame of 'Men overcome, to leave the name of the Nation, and the glory of any Victory '(if any we have had, or ſhould have of you), and to take the indifferent old 'name of Britains again; becauſe nothing ſhould be left on our part to be 'offered, nothing on your part unrefuſed, whereby ye might be inexcuſable. 'What face hath this of Conqueſt? We intend not to diſinherit your Queen, 'but to make her Heirs Inheritors alſo of England. We ſeek not to take from you 'your Laws nor Cuſtoms; but we ſeek to redreſs your oppreſſion, which of 'divers ye do ſuſtain. In the Realm of England, divers Laws and Cuſtoms be 'according to the antient uſage thereof; and likewiſe France, Normandy, and 'Gaſcoigne, have ſundry kind of orders. Have all the Realms and Dominions, 'that the Emperor now hath, one Cuſtom and one ſort of Laws? Theſe vain 'fears and fantaſies of expulſion of your Nation, of changing of the Laws, of 'making a Conqueſt, be driven into your heads by thoſe, who indeed had rather 'you were all conquered, ſpoiled, and ſlain, than they would loſe any point 'of their will, of their deſire of rule, and of their eſtimation, which they 'know in quietneſs would be ſeen what it were, as it were in a calm water. If 'we two, being made one by Amity, be moſt able to defend us againſt all Na-'tions, and having the Sea for the Wall, mutual Love for Garriſon, and God 'for Defence, ſhould make ſo noble and well-agreeing Monarchy, that neither 'in Peace we may be aſhamed, nor in War afraid, of any worldly or foreign 'Power; why ſhould not you be as deſirous of the ſame, and have as much 'cauſe to rejoice at it as we? And for a more ſure proof and plainer token of 'the good mind and will which we bear unto you, that which never yet was

'granted

'granted to Scotland in any League, Truce, or Peace, betwixt England and 'Scotland, becauſe ye ſhall have proof of the beginning of Love and Amity 'of both the Realms, the King's Highneſs conſidering the multitude of them 'which are come to his Majeſty's devotion, and of them that be well-willers 'and aiders of this Godly enterprize, hath, by our Advice and Counſel, 'granted, and by theſe preſents doth grant, that from henceforth all manner of 'Merchants and other Scotſmen, who will enter their names with one of the 'Wardens of the Marches, and there profeſs to take part with us in this before-'named Godly purpoſe, may lawfully, and without any trouble and vexation, 'enter into any Port, Creek, or Haven of England, and there uſe their traffick 'of Merchandize, buy and ſell, bring in the Commodities of Scotland, and take 'and carry forth the Commodities of England, as liberally and as freely, and 'with the ſame and none other Cuſtoms therefore than Engliſhmen, and the 'King's Subjects do at this preſent.' Hollinſhed, Hiſtory of England, vol. III. p. 998.

No 12.

THE Commiſſioners being met at Weſtminſter, the chief Things debated on were, 1. Whether the Two Kingdoms ſhould be united under the name of Great Britain: and, 2. Whether both Nations ſhould be equally capable of honours and offices in either Kingdom. Some advanced, againſt the firſt, that it was without all example, that Two Kingdoms, equally ſupreme, ſhould lay aſide their former names for a third new one: nor could the Name of Great Britain be ſo honourable as the ſeveral names and pluralities of Kingdoms: thus, though Caſtile, Leon, and Arragon, be united under the ſubjection of the King of Spain, and France and Navarre under the French, yet theſe Kings, alwiſe in their deſignations, mention the ſeveral Kingdoms they command.

Others alledged, this might prejudice the precedency of the Kings of England among other Princes, as being but a new one. But for all that, we find in hiſtory, that this is no new thing; and, in particular, Livy reports, that the Trojans and Aborigines did, after the Union of their Nations, aſſume the common name of Latines. Thus the Hungarians derived their name from the Huni and Avari (Morden in his Geography mentions the authors from whence we have it); the Catalonians from the Catti and Albani; the counties in Germany uſe that common name; and that only is called *feudum novum* which is acquired by money, donation, or conqueſt; and that *feudum antiquum* which deſcends by blood and ſucceſſion.

When

When the ſecond queſtion came under debate, ſome of the Commiſſioners agreed it was unreaſonable the Scots ſhould be admitted to, and made capable of all the employments in England. To this it was anſwered, that to refuſe it would continue the ancient grudge and enmity; for the Romans were never engaged in a ſharper war than in the *bellum ſociale*, which the Latines raiſed againſt them, becauſe they would not admit them to be Conſuls after they were united (*vide* Livy, Plutarch, Florus, &c.). After which the Romans did by their own Law declare, that *inter Concives et Municipes, omnia munera debent eſſe communicata. Municipes enim ſunt qui pariter munera publica ſuſcipiunt.* And Polybius, in lib. 2. ſpeaking of the method whereby the Achæans eſtabliſhed their happy Union (read alſo Plutarch), obſerves it to have been by this means.

This privilege has been allowed the Scots in France; for the Earl of Buchan was made Conſtable by Ch. the VIIth, becauſe he defeated the Duke of Clarence; Douglaſs was made Duke of Turaine; Aubigney Vice-roy of Naples. Count Leſly was preferred lately to be an Earl of the Empire, and ſtill in the Emperial Diets. In England, William of Malmſbury confeſſes three Scotſmen were ſucceſſively created Archbiſhops of York; and the Earl of Forth was in the late wars the ſucceſsful General of the Engliſh Army.

King James thought this debate encroached upon his Prerogative, and therefore deſired it might go no further. That though by his Prerogative he might imploy Natives of either Kingdom as he pleaſed, yet he would prefer the Subjects of the reſpective Kingdoms in their native Countries, till mutual Education and a laſting Union had fitted them to be indifferently employed. Upon which aſſurance all the Commiſſioners reſted; and ſo they proceeded to put theſe concluſions in form, and the Articles agreed upon were theſe:

It is agreed, by the Commiſſioners of England and Scotland, to be mutually propoſed to the Parliaments of both Realms at the next Seſſion, that all hoſtile Laws, made and conceived expreſsly, either by England againſt Scotland, or Scotland againſt England, ſhall in the next Seſſions be abrogated, and utterly extinguiſhed.

It is alſo agreed, that all Laws, Cuſtoms, and Treaties of the Border, betwixt England and Scotland, ſhall be declared by a general Act to be abrogated and obliterated; and that the Subjects on either part ſhall be governed by the Laws and Statutes of the Kingdoms where they dwell, and the name of the Borders extinguiſhed.

And becauſe, by aboliſhing the Border-Laws and Cuſtoms, it may be doubted, that the Executions ſhall ceaſe upon theſe Sentences that have heretofore been given by the oppoſite Officers of thoſe Borders, upon wrongs committed before the death of the late Queen of happy memory; it is therefore thought fit, that,

in caſe the Commiſſioners or Officers, to be appointed by his Majeſty before the time of the next Seſſions of Parliament, ſhall not procure ſufficient redreſs of ſuch filed Bills and ſentences, that then the ſaid Parliament may be moved, to take ſuch order as to their wiſdoms ſhall ſeem convenient, in ſatisfaction of that which has been decerned by ſome officers; as alſo, how diſorders and inſolencies may be hereafter repreſſed, and the Country which was lately of the Borders kept in peace and quietneſs in time to come; as likewiſe to preſcribe ſome Orders how the purſuits of former wrongs, preceding the death of the late Queen, and ſince the laſt Treaty of the Borders in the years 1596 and 1597, which have never as yet been moved, may be continued, and proſecuted to a definitive Sentence.

And foraſmuch as the next degree to the abolition of all memory of hoſtility is the participation of mutual Commodities and Commerce; it is agreed, firſt, concerning Importation of Merchandize into either Realm from Foreign Parts, that whereas certain Commodities are wholly prohibited by the ſeveral Laws of both Realms to be brought into either of them by the Natives themſelves, or by any other, the ſaid Prohibitions ſhall now be made mutual to both, and neither an Engliſhman bring into Scotland, or a Scotſman into England, any of theſe prohibited Wares and Commodities: nevertheleſs, if the ſaid Commodities be made in Scotland, it ſhall be lawful to bring them out of Scotland to England, and ſo reciprocally of the Commodities made in England and carried to Scotland.

Whereas a doubt hath been conceived againſt the equal communication of Trade betwixt the Engliſh and Scots Subjects in the matter of Importation, grounded upon ſome inequality of Privileges, which the Scots are reported to have in Foreign Parts, and namely in France, above the Engliſh, whereby the Engliſh might be prejudged; and that after a deliberate conſideration had of the ſuppoſed inequalities, both private and publick examination of divers Merchants of either ſide, touching all Liberties, Privileges, Immunities, Impoſts, and Payments, on the part of the Engliſh, and on the part of the Scots, either at Bourdeaux, for their Trade of Wines, or in Normandy, or any other parts of France, for other Commodities, it appeared, that in the Trade of Bourdeaux there was and is ſo little difference in any advantage of Privileges or Immunities, or in the Impoſts and Payments, all being reckoned and well weighed on either ſide, as it could not juſtly hinder the communication of Trade: In the Trade of Normandy likewiſe, or any other parts of France, the advantage the Scots Subjects by their Privileges are acknowledged to have, is ſuch as without much difficulty may be reconciled and reduced to an equality with the Engliſh, by ſuch means as are hereafter declared: It is agreed, that the Scotſmen ſhall be free for tranſporting of Wine from Bourdeaux to England, paying the ſame Cuſtoms and Duties

that

that the Engliſhmen do pay; and the Engliſhmen likewiſe ſhall be free for tranſportin Wine and other Commodities from Bourdeaux to Scotland, paying the ſame Cuſto s and Duties that the Scotſmen do pay there.

And likewiſe, for clearing and reſolving the doubts touching the advantage that theſe Scots are ſuppoſed to have above the Engliſh in buying and tranſporting the Commodities of Normandy, and other parts of the Kingdom of France, excepting the buying of Wine in Bourdeaux, which is already determined; it is agreed, that there ſhall be ſent ſome meet and diſcreet Perſons into France, two for either ſide, to take notice of any ſuch advantage as either the Engliſh have above the Scots, or the Scots above the Engliſh, in buying or tranſporting of any Commodities of Normandy, or any parts of France, excepting the Wine of Bourdeaux; and as the ſaid Perſons ſhall find the advantage to be, ſo, for making the Trade equal, the Cuſtoms ſhall be advanced to the King in England and Scotland; and for the part of theſe that have the advantage, and according to the proportion of the ſaid advantage, the advancement of the Cuſtom to continue no longer than the privilege, having ſuch advantage, ſhall continue: and that generally for all other Trade from any Parts, the Engliſh and Scots Subjects, each in other's Country, ſhall have liberty of Importation as freely as any of the native Subjects themſelves having ſpecial privilege.

Next, concerning Exportation, it is agreed, that all ſuch Goods as are prohibited and forbidden to Engliſhmen themſelves to be exported out of England to any Foreign Part, the ſame ſhall be unlawful for any Scotſman, or any other, to export to any Foreign Nation beyond Sea, under the ſame penalties and forfeitures that the Engliſh are ſubject unto; and reciprocally that furth of Scotland, no Engliſhman ſhall tranſport to any Foreign Parts the Goods and Commodities that are prohibited in Scotland to Scotſmen themſelves; nevertheleſs, ſuch Goods and Commodities and Merchandizes as are licenſed to Engliſhmen to tranſport out of England to any Foreign Part, the ſame may be likewiſe tranſported by Scotſmen thither, they certifying their going into Foreign Parts, and taking a Cocquet accordingly, and paying the ordinary Cuſtom that Engliſhmen do pay themſelves at the Exportation of ſuch Wares, the like liberty to be for Engliſhmen in Scotland.

As for the native Commodities which either of the Countries do yield, and may ſerve for the uſe and benefit of the other, it is agreed, that mutually there may be tranſported furth of England to Scotland, and furth of Scotland to England, all ſuch Wares as are either of the growth or handy-work of either of the ſaid Realms, without payment of any Impoſt, Cuſtom, or Exaction; and as freely in all reſpects as any Wares may be tranſported either in England from part to part, or in Scotland from part to part, except ſuch particular ſorts of Goods

and

and Merchandizes as are hereafter mentioned, being reſtrained for the proper and inward uſe of each Country. And for that purpoſe it is declared, that both in this Communication of Benefit, and Participation of the native Commodities of the one Country with the other, there ſhall be ſpecially reſerved and excepted the ſorts hereafter ſpecified; that is to ſay, Wool, Sheep, Sheepfell, Cattle, Leather, Hydes, and Linen-yarn, which are ſpecially reſtrained within each Country, not to be tranſported from one to the other; excepting alſo and reſerving to the Scotſmen their Trade of Fiſhing within the Lochs, Firths, and Bayes, within Land, and in the Seas within 14 Miles of the Coaſts of the Realm of Scotland, where neither Engliſhmen nor any Strangers have uſed to fiſh; and ſo reciprocally on the behalf of England. All which Reſtrictions and Exceptions are not to be underſtood or mentioned in any ſort for a Mark or Note of Separation and Diviſion, but only as matters of Policy and Conveniency for the ſeveral Eſtates of each Country.

Furthermore it is agreed, That all foreign wares to be tranſported forth of Scotland into England, or out of England into Scotland, by any of the King's ſubjects of either Kingdom, having at their firſt entry once paid cuſtom in either of the Kingdoms, ſhall not pay outward cuſtoms therein afterwards, ſave only inward cuſtom at the port whereunto they ſhall be tranſported: but the owner of the goods, or factor, or maſter of the ſhip, ſhall give bond not to tranſport the ſame into any foreign parts.

It is alſo agreed, That Scotſmen ſhall not be debarred from being aſſociates unto any Engliſh Company of Merchants, as Merchant-venturers, or others, upon ſuch conditions as any Engliſhman may be admitted; and ſo reciprocally for Engliſhmen in Scotland.

It is nevertheleſs agreed, by mutual conſent, and is ſo to be underſtood, that the mutual Liberty aforeſaid of Exportation and Trade, in each part, from the one to the other, ſhall ſerve for the inward uſe only of either Realm; and order taken for the reſtraining and prohibiting the tranſportation of the ſaid commodities to foreign parts, and for due puniſhment of thoſe that ſhall tranſgreſs in that behalf. And, for the better aſſurance and caution herein, it is agreed, that every Merchant ſo offending ſhall forfeit his goods; the ſhips wherein the ſaid goods ſhall be tranſported, confiſcated; the Cuſtomers, Searchers, and other Officers of the Cuſtom whatſoever, in caſe of conſent or knowledge on their part, to loſe their offices and goods, and their bodies to be impriſoned at his Majeſty's pleaſure. Of which eſcheats and forfeitures, two parts ſhall appertain to his Majeſty, if the Cuſtoms be unfarmed; and the third to the informer: and, if the cuſtoms be farmed, one third of the forfeiture to belong to his Majeſty, a third to the farmer, and the other third to the informer. The tryal of

the offence to be ſummar in either country in the Exchequer Chamber, by writ, ſufficient witneſſes, or oath of party, or before the Juſtice by Jury or Aſſize, and his Majeſty's Officers in either country to concur with the Complainers that inſiſt in the purſuit.

As alſo, for the more ſecurity, that there ſhall be no Tranſportation of ſuch goods, it is agreed, that at the ſhipping of all ſuch native commodities there be taken, by the Cuſtomer of the port where the goods or wares are embarked, a bond or obligation ſubſcribed by the Owner of the goods, and Maſter of the ſhip; by the Owner if he be preſent, or by the Maſter of the ſhip, or Factor, or party that loadeth the ſame, in caſe of his abſence: which bond ſhall contain a ſum of money anſwerable to the value of the goods, with condition of relieving the party obliged, and diſcharging him of the ſaid bond, in caſe return be made of a due Certificate to the Cuſtom where the goods were laden from any port within England or Scotland, and the Certificate to be ſubſcribed and ſealed by the Officers of the Cuſtoms of the port where the ſaid goods ſhall arrive to be unladen: or, if there be no ſuch Officers there, by the chief Magiſtrate and Town Clerk of that harbour and town, under their hand and ſeal. And it is further agreed touching the different freighting of Commodities, either in Engliſh or Scots bottoms, that Engliſhmen and Scotſmen freight and laden their goods each in others ſhips and bottoms indifferently, paying only Engliſh and Scots Cuſtom, notwithſtanding any contrary laws or prohibitions; and that a propoſition be made to the Parliament of England, for eſtabliſhing ſome good orders, for upholding and maintaining the great fiſhing of England; as alſo that a propoſition be made to the Parliament of Scotland, for making of their ſhipping more proportionable in burthen to the ſhipping of England, the better to ſerve for the Equality of Trade, and a common defence for the whole Iſle.

And becauſe it is requiſite that the mutual communication aforeſaid be not only extended to the Matter of Commerce, but to all other benefits and privileges of natural-born ſubjects; it is agreed, that an Act be proponed to be paſſed in manner following: That all the ſubjects of both Realms, born ſince the deceaſe of the late Queen, and that ſhall be born hereafter, under the obedience of his Majeſty, or his Royal Progeny, are, by the common laws of both Realms, and ſhall be for ever, enabled to obtain, ſucceed, inherit, and poſſeſs, all Goods, Lands and Chattels, Honours, Dignities, Offices, Liberties, and Privileges, and Benefices Eccleſiaſtick or Civil, in Parliament, and all other places of the Kingdoms, and every one of the ſame, in all reſpects, and without any exception whatſomever, as fully and amply as the ſubjects of either Realm reſpectively might have done, or may do, in any ſort within the Kingdom where they are born.

Further,

Further, his Majeſty, out of his great judgement and providence, hath not only profeſſed in publick and private ſpeech to the Nobility and Council of both Kingdoms, but hath alſo vouchſafed to be contented, that, for a more full ſatisfaction and comfort of all his loving ſubjects, it may be compriſed in the ſaid Act, that his Majeſty meaneth not to confer any Office of the Crown, any Office of Judicature, Place, Voice, or Office in Parliament of either Kingdom, upon the ſubjects of the other, born before the death of the late Queen, until time and converſation have increaſed and accompliſhed an Union of the ſaid Kingdoms, as well in the hearts of all the people, and in the conformity of Laws and Policies in theſe Kingdoms, as in the knowledge and ſufficiency of particular men, who, being untimely employed in ſuch authorities, could no way be able, much leſs acceptable, to diſcharge ſuch duties belonging to them. It is therefore reſolved by us, the Commiſſioners aforeſaid, not only in regard of our deſires and endeavours to further a ſpeedy concluſion of this happy work intended, but alſo as a teſtimony of our love and thankfulneſs for his gracious promiſe, on whoſe ſincerity and benignity we build our full aſſurance, even according to the inward ſenſe and feeling of our own loyal and hearty affections, to obey and pleaſe him in all things worthy the ſubjects of ſo worthy a ſovereign, that it ſhall be deſired of both the Parliaments, to be enacted by their Authority, That all the ſubjects of both Realms, born before the deceaſe of the late Queen, may be enabled and made capable to acquire, purchaſe, inherit, ſucceed, uſe, and diſpoſe of all Lands, Goods, Inheritances, Offices, Honours, Dignities, Liberties, Privileges, Immunities, Benefices, and Preferments whatſoever, each ſubject in either Kingdom, with the ſame freedom, and as lawfully and peaceably, as the very natural and born ſubjects of either Realm, where the ſaid Rights, Eſtates, or Profits, are eſtabliſhed; notwithſtanding whatſoever Law, Statute, or former Conſtitution heretofore in force to the contrary; other than to acquire, poſſeſs, ſucceed, or inherit any Office of the Crown, office of Judicatory, or any Voice, Place, or Office in Parliament; all which ſhall remain free from being claimed, held, or enjoyed, by the ſubjects of the one Kingdom within the other, born before the deceaſe of the late Queen, notwithſtanding any word, ſenſe, or interpretation of the Act, or any circumſtance thereupon depending, until there be a perfect and full accompliſhment of the Union, as is deſired mutually by both the Realms. In all which points of Reſervation, either in recital of the words, his Majeſty's ſacred promiſe, or in any clauſe or ſentence, before ſpecified, from enabling them to any of the foreſaid Places or Dignities; it hath been, and ever ſhall be, ſo far from the thoughts of any of us, to preſume to alter or impair his Majeſty's Prerogative Royal (who contrariwiſe do with all comfort and confidence depend

herein upon the gracous aſſurance which his Majeſty is pleaſed to give in the Declaration of his ſo juſt and princely care and favour to all his people), as, for a further laying open of our clear and dutiful intentions towards his Majeſty in this and in all things elſe which may concern his Prerogative, we do alſo herein profeſs and declare, that we think it fit there be inſerted in the Act, to be proponed and paſſed, in expreſs terms, a ſufficient reſervation of his Majeſty's Prerogative Royal, to denizate, enable, and prefer to ſuch Offices, Honours, Dignities, and Benefices whatſoever, in both the ſaid Kingdoms, and either of them, as are heretofore excepted in the preceding reſervation of all Engliſh and Scots ſubjects born before the deceaſe of the late Queen, as freely, ſovereignly, and abſolutely, as any of his Majeſty's Royal Progenitors, Kings of England or Scotland, might have done at any time heretofore, and to all other Intents and purpoſes, in as ample manner as if no ſuch Act had been thought of or mentioned.

And foraſmuch as the ſeveral Juriſdictions and Adminiſtrations of either Realm may be abuſed by malefactors, by their own impunity, if they ſhall commit any offence in the one Realm, and afterwards remove their perſons and abode into the other; it is agreed, that there may be ſome fit courſe adviſed of, by the wiſdoms of the Parliaments, for tryal and proceeding againſt the perſons of Offenders remaining in the one Realm, for and concerning the crimes and faults committed in the other Realm. And yet nevertheleſs that it may be lawful for the Juſtice of the realm, where the offence is committed, to remand the offender remaining in the other Realm, to be anſwerable to the Juſtice of the ſame Realm where the fact was committed; and that, upon ſuch remand made, the offender ſhall be accordingly delivered, and all further proceedings (if any be) in the other Realm ſhall ceaſe, ſo as it may be done without prejudice to his Majeſty, or other Lords in their Eſcheats and Forfeitures, with proviſion, nevertheleſs, that this be not thought neceſſary to be made for all criminal offences, but in ſpecial caſes only, as namely in the caſes of Wilful Murther, Falſifying of Moneys, and Forging of Deeds, Inſtruments, and Writings, and ſuch other like caſes, as upon further advice in the ſaid Parliament may be thought fit to be added.

N° 13.

A Paper given in by the Scots Commiſſioners to the Engliſh Commiſſioners for adjuſting the differences of Trade between the Two Kingdoms, Jan. 21, 1667.

WE the Commiſſioners of and for the Kingdom of Scotland, nominated, and ſufficiently authorized by his Majeſty, under His great Seal of that Kingdom, to treat and conſult, as alſo to conclude and determine with your Lordſhips, the Commiſſioners nominated by his Majeſty for the Kingdom of England, of and concerning the Freedom and Liberty of Trade, between the Two Kingdoms of England and Scotland, do repreſent, That, whereas his Majeſty's ſubjects of Scotland be under the allegiance of the King, ſince the happy ſucceſſion of K. James to the crown of England, are ſo far from being Aliens, that they are declared to have, by the law of this Kingdom, all the privileges of natural-born ſubjects of England: And whereas his Majeſty's ſubjects in Scotland have enjoyed the ſame in all the dominions and plantations belonging to the Kingdom of England more than 56 years, without any conſiderable obſtruction all that time; yet, ſince the 25th of March, in the 12th year of his Majeſty's reign, by ſome Acts of Parlirment here in England, the King's ſubjects of Scotland are clearly debarred from the privilege granted to all his Majeſty's other ſubjects; ſeeing by theſe Acts ſeveral Immunities and Privileges granted to ſuch ſhips as do truly and without fraud belong only to the people of England or Ireland, Dominion of Wales, or Town of Berwick upon Tweed, and all other ſhips and veſſels (without any exception) with all their goods and merchandizes are declared to be forefaulted; alſo by other Acts of Parliament, ſince that time, goods and commodities of Scotland are, at ſome times, charged with a double duty or impoſition above 16 times more than the goods of the like nature, of foreign growth, and ſome unuſual cuſtoms are exacted in Northumberland and Cumberland:

In order to the removing of all obſtructions to the Freedom and Liberty of Trade between the Two Kingdoms, to the end the people of Scotland may be encouraged to trade here as formerly, and to export from the Kingdom ſuch foreign and other Commodities as are neceſſary for them (which we conceive to be a great advantage to this Kingdom, the exported commodities far exceeding theſe imported hither), for encouraging the ſhipping and ſeamen of Scotland, without which trade cannot be continued, and for preventing the removal of the Trade of Scotland into foreign parts, which would be very prejudicial to his Majeſty's

Majeſty's cuſtoms in this Kingdom (as we conceive), and to the happy Union and Correſpondence of the two Kingdoms, which we do above all things endeavour to preſerve:

We do begin with that which was firſt in time, and indeed of the greateſt importance to Scotland, an Act, intituled, "An Act for the encouraging and increaſing ſhipping and navigation," paſſed in the 12th year of his Majeſty's reign, and ratified, confirmed, and enacted in the 13th year. Cap. 140. In relation to which Act, we deſire, firſt, That as to the Trade with the Lands, Iſlands, Plantations, and Territories, to his Majeſty belonging, or in his poſſeſſion, or which may thereafter belong unto, or be in the poſſeſſion of his Majeſty, his heirs, or ſucceſſors, in Aſia, Africa, or America, the ſame Freedom may be allowed to ſuch ſhips and veſſels as do truly and without fraud belong to the people of Scotland, whereof the Maſter and three 4th parts are Scotſmen, or other his Majeſty's ſubjects, and freighted only by his Majeſty's ſubjects, as are allowed to his Majeſty's ſubjects of Ireland, Dominion of Wales, and Berwick upon Tweed.

2. That it be declared, That his Majeſty's ſubjects of Scotland are not meaned to be debarred by the Clauſe debarring men or perſons, not born within the allegiance of our Sovereign Lord the King, from exerciſing the trade or occupation of Merchants or Factors in any of the ſaid Places.

3. That the ſhips or veſſels belonging truly to his Majeſty's ſubjects of Scotland, navigated as is before expreſſed, and freighted only by his Majeſty's ſubjects, may be declared to have liberty to bring into England the goods and commodities that are of foreign growth, production, or manufactory, under the ſame reſtrictions and limitations as are expreſt ever ſince King James came to England, is of abſolute neceſſity for entertaining the ſhipping of Scotland, and keeping the ſamen there for his Majeſty's ſervice, and will be an increaſe of his Majeſty's cuſtoms.

4. That all other privileges granted by this Act to the ſhips and veſſels belonging truly to the ſubjects of Ireland, Wales, and Town of Berwick upon Tweed, may be alſo declared to belong to the ſhips or veſſels truly belonging to the ſubjects of Scotland, and navigated and freighted as is aforeſaid, under the ſame reſtrictions and limitations alwiſe as by this Act laid upon the ſubjects of Ireland, &c. that it may be declared that the penalties impoſed upon Aliens for tranſporting of Goods from ports to ports, and all other penalties impoſed upon Aliens by this Act, that the ſubjects of Scotland are no ways therein concerned.

5. That whereas almoſt all the ſhips and veſſels belonging to his Majeſty's ſubjects of Scotland were, during the late Uſurpation, taken, burnt, or deſtroyed, and many of the veſſels, taken or bought ſince his Majeſty's happy re-

turn, are foreign-built; we desire, that all vessels, taken from the King's enemies and condemned as lawful prize, may be declared naturalized, as is lately done here, and that they and all such ships as are truly in the possession of his Majesty's subjects of Scotland may be declared capable of free Trade here, as if they had been built within his Majesty's Dominions; a list of such ships being entered betwixt and a day to be agreed upon into the custom-house Books here, provided that it shall not be lawful for Scotsmen to trade here with any foreign-built ships to be bought hereafter, but only with such ships as are built in Scotland, or some other of his Majesty's dominions, and that both the prize-ships and other ships, now in the possession of the subjects of Scotland, be navigated by 3 parts of 4 of Scotsmen, or others his Majesty's subjects, and freighted only by his Majesty's subjects.

6. And whereas it may be supposed, that, by demanding such a Trade with the Plantations as is allowed to the subjects of Ireland, we may prejudge his Majesty's customs here, or destroy the ends of the Act of Navigation as to these commodities; we declare that we are willing to treat and conclude with your Lordships upon such assurances as can be reasonably demanded, that none of these commodities shall be transported by Scots ships from the English Plantations to any place beyond the seas, but they shall be wholly brought into such parts of England as shall be agreed upon, excepting only such, a very small Number, for the consumption of Scotland, as shall be agreed upon betwixt your Lordships and us.

N°

N° 14.

JOURNAL

OF

The Meeting held in the Council-Chamber, in the Cock-Pit, in Weſtminſter,

BY

The Scotiſh and Engliſh Commiſſioners, nominated by the Queen to treat of an Union betwixt the Nations of Scotland and England; Conform to the Acts of the reſpective Parliaments, inpowering her Majeſty to name Commiſſioners to treat.

Die Martis, 27th October, 1702.

THIS being the day appointed for the meeting of the Commiſſioners, there were only 12 of the Scots then arrived, who ſtopped as late as could be, in the hopes of the arrival of the 13th, to have made a Quorum: but, ſeeing no appearance of it, they went, about 7 o'Clock at night, to the place appointed for their Meeting, where the Engliſh Commiſſioners were convened, and very full: and after the firſt civilities were paſt, there was a Letter from her Majeſty to the Scots Commiſſioners, adjourning the Meeting to the 10th of November; and, the ſame orders being ſent to the Engliſh Commiſſioners, they imparted them the one to the other, and ſo ſeparated.

Die

Die Martis, 10th November, 1702.

ABOUT Seven in the evening the Commiſſioners of both Kingdoms met at the Place appointed for their Meeting, the Engliſh Commiſſioners being firſt there. After they had ſtood a while, they took their Places at a long table, the Engliſh on the right ſide, and the Archbiſhop of Canterbury as firſt in their Commiſſion upmoſt. And the Scots on the left ſide, and the Duke of Queenſberry firſt in the Commiſſion upmoſt. When they were ſet, the Lord Keeper moved, That their reſpective commiſſions ſhould be read, by which they would beſt know the reaſons of their Meeting; which was done, the Engliſh firſt, in the Engliſh tongue, and the Scots in the Latin: when that was over, the Lord Keeper made the following Speech, which was anſwered by the Duke of Queenſberry.

My Lords,

'WE, the Commiſſioners for England, do, with great ſatisfaction meet your Lordſhips on this occaſion, hoping that by this Congreſs the great Buſineſs, for which her Majeſty has been pleaſed to grant theſe Commiſſions, may be happily effected. That England and Scotland already united in Alledgiance under one head, the Queen may for ever hereafter become one People, one in Heart and mutual Affections, one in Intereſt, one in Name, or in Deed, a Work, which, if it can be brought to paſs, promiſeth a laſting happineſs to us all.

'With great ſincerity we deſire this Union: and we meet your Lordſhips with hearts fully determined to enter upon ſuch Conſiderations, and into ſuch Meaſures with your Lordſhips, as are proper for bringing the ſame to the deſired Concluſion; on our part nothing ſhall be wanting that may conduce to a happy period of this great work."

The Duke of Queenſberry's Anſwer.

My Lord,

'THE Union of the Two Kingdoms has been much deſired both before and ſince their being under one Sovereign; and I hope it is reſerved to her Majeſty, for the glory of her Reign, to finiſh the deſign which hath been often attempted by her Royal Predeceſſors.

'My Lord, I do conſider this Union to be highly advantageous for the peace 'and wealth of both Kingdoms, and a great ſecurity for the Proteſtant Religion 'every-where; and, I can aſſure your Lordſhips, both for myſelf and the other 'Lords Commiſſioners for Scotland, that we meet your Lordſhips with great 'regard and honour to your perſons, and with ſincere intentions to advance this 'great deſign, and to accommodate any difficulties that may ariſe in the Treaty 'upon fair and reaſonable terms."

Then the Lord Keeper moved, That ſome words of the Scots Commiſſion ſhould be read over again; which was done: the words they noticed were, *Dando illis plenam proteſtatem congregandi & conveniendi cum Commiſſionariis authoritate noſtra munitis pro Regno et Parliamento Angliæ, &c.* After reading, he ſaid, he did not conceive how they were ſuch as the Scots were impowered to treat with, not being *Commiſſionarii pro Parliamento Angliæ.* Before any anſwer was made, the Earl of Seafield moved, That the Commiſſions ſhould be interchanged againſt the next Meeting; and that then they would be better able to judge of the Purport and intent of the Commiſſions; which was agreed to, and the next meeting appointed on Monday thereafter.

Die Lunæ, the 16th of November, 1702.

THE Commiſſioners met; but, there being only a ſcrimp Quorum of the Engliſh, and two or three of them adhering to the laſt objection, they deſired, without proceeding to any Buſineſs, the Meeting might be adjourned till Wedneſday, in hopes it might be more full; to which the Scots agreed.

Die Mercurii, 18 November, 1702.

THE Commiſſioners met; and, the Engliſh inſiſting no more on the Keeper's objection, they received a Meſſage from the Queen, in two different Papers, but of the ſame tenor, which was read as followeth.

A. R.

"HER Majeſty having, in proſecution of the ſeveral attempts made by Her "Royal Predeceſſors, moved both the Parliaments to conſider of the "moſt effectual Methods for eſtabliſhing an Union between the Two Kingdoms; "and her Majeſty being authorized by both Parliaments to appoint Commiſ-

"ſioners

" ſioners to treat of the Terms of this Union, which ſhe hath done accord-
" ingly; her Majeſty hopeth that the Commiſſioners, now happily met for this
" purpoſe, will agree upon ſuch Meaſures as will be acceptable to both Parli-
" aments; and may perfect an indoſſoluble Union between the Two Nations,
" which her Majeſty thinks the moſt likely means, under Heaven, to eſtabliſh
" the Monarchy, ſecure the Peace, and increaſe the Trade, Wealth, and Hap-
" pineſs, of both Nations.

" The Heads of this Treaty are ſo obvious, that her Majeſty does not think
" it neceſſary to name them; but her Majeſty recommends it to the Commiſ-
" ſioners, to make ſuch Propoſals mutually on this ſubject as ſhall occur to
" them, and may be moſt likely to bring this Treaty to a happy and ſpeedy
" Concluſion.

" And her Majeſty earneſtly wiſhes, for Her own Honour, and the Wel-
" fare of Her ſubjects, That this Union may be eſtabliſhed on ſuch ſolid
" foundations, as that the breach of it may be as impoſſible as humane
" councils can make it. Given at the Court of St. James's, the 16th Novem-
" ber, 1702.

" To the Commiſſioners appointed for Treating of an Union between the Two Kingdoms."

After reading of this Letter, the Lord Keeper propoſed the following Overtures, as the Rule of the Method of their proceeding; which were agreed to, and are as follow.

1. That all Propoſals, mutually to be made, ſhall be offered in Writing.
2. That no Propoſals, ſo made, ſhall be debated the ſame day.
3. That all Debates ſhall be by Word of Mouth, and not in Writing.
4. That every Point, that ſhall be agreed on, ſhall be reduced in Writing.
5. That no Point, though agreed on and reduced into Writing, ſhall be obligatory on either ſide, till all Matters be adjuſted in ſuch manner as ſhall be proper to be laid before the Queen and the Two Parliaments.

And then they adjourned till Friday.

Die Veneris, 20 November, 1702.

THE Commiſſioners met; and the Scots gave in two additional Preliminary Articles, one of them explanatory of the 5th of theſe given in by the Lord Keeper; the other about the Minutes; which were both agreed on by the Engliſh, and are as follows.

6. That theſe matters, though ſo adjuſted as may be proper to be laid before the Queen and the Two Parliaments, ſhall not be binding till approved and ratified in the ſaid Parliaments.

7. That there be a Committee appointed, conſiſting of a certain number of each ſide, to reviſe the minutes of what paſſes, which are not to be inſerted by the ſecretaries in their reſpective books but by the order of the ſaid committee.

Then the Lord Keeper gave in their Propoſals about the Subject of the Treaty, *viz.*

That the Two Kingdoms be united into One, by the Name of "The Kingdom of Great Britain," &c.

That the ſucceſſion to the Monarchy of this United Kingdom of Great Britain ſhall be according to the limitations mentioned in the Act of Parliament made in England in the 12th and 13th years of the reign of the late King William, intituled, "An Act for the further Limitation of the Crown, and better ſecuring the Rights and Liberties of the Subject."

And the Duke of Queenſberry gave in for the Scots theſe following:

1. The uniting of the Two Kingdoms into One Monarchy.
2. The repreſenting both Kingdoms in One Parliament.
3. The mutual Communication of Trade, and all other Privileges and Advantages.

Theſe are the General Articles, in which it is propoſed, that the Two Kingdoms may be united. There will be certain other Articles and proper Reſervations, which may be offered afterwards.

Theſe

Theſe propoſals were read twice, and ordered to be exchanged, and to be conſidered againſt the next meeting, which was appointed to be on Wedneſday thereafter.

Die Mercurii, 25 November, 1702.

THE Commiſſioners met, the Lord Keeper moved, that the ſixth Preliminary Article, which had been propoſed and agreed on at the preceding meeting, might be conſidered; upon which the Lords Commiſſioners for Scotland withdrew, and within a little returning, the Duke of Queenſberry acquainted the Lords Commiſſioners for England, that they were ſatisfied the ſixth Article ſhould be laid aſide, providing ſomething might be found out to ſatisfy their difficulty as to the fifth Article.

Agreed, That the ſixth Article be laid aſide, and that there be added to the fifth theſe words, "For their Approbation."

Agreed, That to the ſeventh Article, about the Committees, theſe words be added, "Having firſt made Report thereof to their reſpective Commiſſioners, and "received their Approbation of the ſame."

Then were nominate the Commiſſioners for the Committee.

Of the Scots Commiſſioners, Viſcount of Stair, Lord Preſident of the Seſſion, and the Lord Treaſurer deput, or any two of them. And of the Engliſh, Sir John Cook, Mr. Godolphin, and Mr. Clark, or any two of them.

The Duke of Queenſberry acquainted the Engliſh Commiſſioners, that they had prepared an anſwer to the propoſal given in by their Lordſhips at their preceding meeting; the tenor whereof follows.

The Commiſſioners for the Kingdom of Scotland do agree, that the Kingdoms be united into One, by the name of "The Kingdom of Great Britain;" and that the ſucceſſion to the Monarchy of this United Kingdom of Great Britain, in default of the iſſue of the body of her Majeſty Queen Anne (which God forbid!), ſhall deſcend on Princeſs Sophia, Electoreſs Dowager of Hannover, and remain to her, and the heirs of her body, being Proteſtants, (ſecluding all Papiſts) for ever, conform to the Act of Parliament made in England in the 12th and 13th years of the reign of the late King William, intituled, "An Act for the further

"limitation.

" limitation of the Crown, and the better ſecuring the Rights and Liberties of " the Subjects," reſerving the other conditions and proviſions, contained in the above-mentioned Act, to be conſidered in the further progreſs of the Treaty, in order to be adapted to the Conſtitutions and Laws of both Kingdoms.

Then the Lord Keeper acquainted the Scots Commiſſioners, that they had prepared an anſwer to two of the Articles propoſed by their Lordſhips, having the third under conſideration, which was read as follows:

The Lords Commiſſioners for England have taken into their conſideration two of the three Articles offered by your Lordſhips on the part of Scotland, *viz.* 1. The uniting the Two Kingdoms into One Monarchy: 2. The repreſenting both Kingdoms in One Parliament: and are come to the following reſolution: " That there can be nō doubt of their Lordſhips agreeing to the firſt Article, it " being comprehended in what their Lordſhips have offered: That, as to the " 2d Article, their Lordſhips agree to the Propoſition in general, reſerving to " their future conſideration ſuch propoſals as ſhall be offered to make it practi- " cable."

My Lord Duke of Queenſberry moved, That ſince they had given their Lordſhips a full anſwer to the propoſals offered by them at their preceding meeting, and have only received their Lordſhips' anſwer to two of the three Articles propoſed by them, that nothing ſhould be entred by the Secretaries in their books till they have an anſwer to their third Article, about the Communication of Trade; which was agreed to.

And then they adjourned to Monday, the 30th November, at ſix in the evening, 1702.

Die Lunæ, 30th November, 1702.

THE Commiſſioners met, the Lord Keeper of England acquainted the Lords Commiſſioners for Scotland, that they had prepared an anſwer to the third Article offered by their Lordſhips about the Communication of Trade, and a propoſal relating to the ſame; both which were read as follows:

The Lords Commiſſioners for England have taken into their conſideration the 3d Article propoſed by your Lordſhips, *viz.* The mutual Communication of Trade and other Privileges and Advantages, and are come to this Reſolution:

Their Lordſhips agree, that a mutual Communication of Trade and other Privileges and Advantages is proper and reaſonable in a compleat Union of the Two Kingdoms.

Their

Their Lordſhips propoſe, that your Lorſhips' Anſwer to the propoſal from the Commiſſioners for England, which relates to the uniting the Two Kingdoms in One, and ſettling the Succeſſion, may, together with their preſent anſwer to the third Article, be entered into the reſpective Books and Journals.

The Duke of Queenſberry told their Lordſhips', that the Lords Commiſſioners for Scotland would take their Lordſhips' anſwer and propoſal into conſideration againſt next meeting, and then adjourned till the next day.

Die Martis, 1ſt December, 1702.

THE Lords Commiſſioners for Scotland met at the time appointed, but, there not being a quorum of the Engliſh, they adjourned to Friday thereafter.

Die Veneris, 4th December, 1702.

THE Commiſſioners being met, the Duke of Queenſberry ſaid, that the Lords Commiſſioners for Scotland had ſomething to offer to their Lordſhips, in reference to their Lordſhips' anſwer to the third Article about Communication of Trade, which was read as follows:

The Lords Commiſſioners for Scotland, having taken into conſideration your Lordſhips' anſwer to the third Article of their propoſals, wherein your Lordſhips agree, that a mutual Communication of Trade and other Privileges and Advantages is proper and reaſonable in a compleat Union of the Two Kingdoms, their Lordſhips conceive that the uniting the Two Kingdoms into a Monarchy, in One Parliament, and One line of ſucceſſion, is ſuch an Union as entitle the ſubjects of both Kingdoms to a mutual Communication of Trade, and other Privileges and Advantages; and, if your Lordſhips do acquieſce and conſent to the Communication of Trade in theſe terms, the Lords Commiſſioners for Scotland do conſent that the anſwer and this addition be entered in the reſpective Books and Journals.

The Lords Commiſſioners for England withdrew to conſider this, and returning within a little, the Lord Keeper offered what follows; which was read.

Their Lordſhips conceive that the Union cannot be compleat till the Terms are adjuſted upon which it is to be conſtituted, and therefore, though they allow the Communication of Trade and other Privileges to be the neceſſary reſult of a compleat Union, yet in the method of proceeding they muſt firſt ſettle with your Lordſhips the Terms and Conditions of the Communication of Trade and [illegible] Privileges, and they are ready to enter upon the conſideration of th[illegible] other method as ſhall be agreed on, and moſt likely to bring this p[illegible]m in ſuch a ſpeedy determination. [illegible]rticular matter to a

They move, that their anſwer to the propoſal from the Commiſſioners of England, which relates to the uniting the Two Kingdoms into One, and ſettling the Succeſſion, may be entered.

To this the Lords Commiſſioners for Scotland, after having withdrawn for ſome time, and returned, made the following anſwer; which was read, and agreed to by the Engliſh Commiſſioners.

The Lords Commiſſioners for Scotland are ſatisfied to treat the particulars of the Communication of Trade, in order to adjuſt the ſame, and do agree that the Propoſals and Anſwers mutually made on either ſide be entered in the reſpective Books and Journals in the terms of the Preliminaries.

Then the Duke of Queenſberry offered, on the part of the Lords Commiſſioners for Scotland, the following Propoſals, which were read, and agreed to by the Engliſh without withdrawing.

The Lords Commiſſioners for Scotland propoſe to your Lordſhips, that, for preparing and facilitating matters which may occur in this Treaty, there may be a Committee, conſiſting of four or five perſons of either Kingdom, nominate from time to time, to meet and diſcourſe the points that may properly fall in to be conſidered in this Treaty, and to report what hath paſt to the reſpective Commiſſioners, that in the General Meeting they may proceed with the greater unanimity and diſpatch.

Reſolved, That this Committee conſiſt of Six of each ſide, who were named as follows; of the Scots Commiſſioners, Marquis of Annandale, Duke of Argyle, Earl of Seafield, Viſcount of Tarbat, Viſcount of Stair, Sir Patrick Johnſtoun, or any three of them. Of the Engliſh Commiſſioners, Archbiſhop of York, Earl of Carliſle, Earl of Scarborough, Lord Chief Juſtice Trevor, Sir John Cook, Mr. Godolphin, or any three of them.

Adjourned to the 9th inſtant: Committees to meet on Monday the 7th inſtant at 10 in the forenoon.

Die Mercurii, 9th December, 1702.

THE Duke of Queenſberry, on the part of the Lords Commiſſioners for Scotland, made the following Propoſals.

1. That there be a Free Trade betwixt the Two Kingdoms, without any impoſition or diſtinction.

2. That both Kingdoms be under the ſame regulation, and liable to equal impoſitions for importation and exportation; and that a Book of Rates be adjuſted for both.

3. That

3. That the ſubjects of both Kingdoms, and their ſeamen, and ſhipping, have equal freedom of Trade and Commerce to and from the Plantations, and be under the ſame Regulations.

4. That the Acts of Navigation, and all other laws in either Kingdom, in ſo far as contrary to, or inconſiſtent with, any of the above-mentioned Propoſals, be reſcinded.

5. That neither Kingdom be burdened with Debts contracted, or to be contracted, by the other before the Union; and that the equality of Impoſitions, in the 2d Propoſal, be underſtood with an exception of impoſitions laid on, or appropriate, by the Parliament of England for payment of their debts, or, if an equality be thought neceſſary, that there be allowed to Scotland an equivalent.

6. That the former Propoſals are made without prejudice to the Companies or Manufactories of either Kingdom, which are reſerved to further conſideration in the progreſs of this Treaty.

The Lords Commiſſioners for England took theſe Propoſals to conſideration.

Reſolved, That the former Committee be revived, and that they have power to meet any time before the General Meeting, and diſcourſe on the ſubject of the above Propoſals, and report to the reſpective Commiſſioners.

Reſolved, That two of each ſide be added to the Committee, the *quorum* continuing as before.

Nominate by the Lords Commiſſioners.

For SCOTLAND.	For ENGLAND.
Lord Boyle.	Earl of Burlington.
Lord Preſident of the Seſſion.	Samuel Clerk, Eſq.

And then they adjourned to Monday the 14th December.

Die Lunæ, 14th December, 1702.

THE Lord Keeper acquainted the Lords Commiſſioners for Scotland, that, having been taken up with publick buſineſs ſince the laſt meeting, they had not prepared anſwers to the propoſals then offered by them, but that they ſhould endeavour to have them ready againſt the next.

He alſo acquainted their Lordſhips, that her Majeſty deſigns to honour this meeting with her preſence; and moved, that the propoſals made on either ſide ſince the commencement of the Treaty, and the Reſolutions taken thereupon, ſhould be read over to her Majeſty.

Within a little her Majeſty came in, and, being ſet in her chamber, ſpoke to the Lords Commiſſioners to this purpoſe:

" My Lords,

" I Am fully perſwaded, that the Union of the Two Kingdoms will prove the " happineſs of both; and render this iſland more formidable than it has been " in paſt ages; that I wiſh this Treaty may be brought to a good and ſpeedy " concluſion, I am come to know what progreſs you have made in it, and I do " aſſure you nothing ſhall be wanting on my part, to bring it to perfection."

The Lord Keeper told her Majeſty, That what was then under conſideration was, ſome Propoſals offered on the part of their Lordſhips for Scotland about Trade, to which they had not yet prepared an anſwer, but deſired to know if her Majeſty would hear read the Propoſals formerly given on either ſide, and the Reſolutions taken thereupon; which her Majeſty allowed.

After reading whereof, her Majeſty went away, and the Commiſſioners adjourned to the 16th inſtant.

Die Mercurii, 16th December, 1702.

THE Commiſſioners met, and the Lord Keeper in name of the Engliſh Commiſſioners gave in the following paper to the Lords Commiſſioners for Scotland, which was read, as follows.

Some Conſiderations of the Lords Commiſſioners for England upon the Propoſals delivered by the Lords Commiſſioners for Scotland on the 9th inſtant, to be propoſed as the ſubject matter of debate between the Lords Commiſſioners of both Kingdoms.

As to the firſt Article, their Lordſhips are of opinion, that there be a Free Trade between the Two Kingdoms, for the native commodities of the growth, product, or manufactory of the reſpective countries, with an exception of wool, ſheep, and ſheep fells, and without any diſtinction or impoſition, other than equal duties upon the home conſumption reſpectively; their Lordſhips being of opinion, that the Trade between the Two Kingdoms cannot be upon an equal foot, unleſs the ſaid duties and impoſitions be the ſame in Scotland as in England.

And this Article reſpecting a Coaſt-trade, it ſeems reaſonable for their Lordſhip's to inſiſt, that the Maſter, Mariner, and Goods, ſhould be under the ſame ſecurities, penalties and regulations, as are in that caſe provided by the laws in England.

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As to the 2d Article, it ſeems reaſonable; but their Lordſhips offer, that it will be neceſſary therein to add a proviſion, That not only the impoſitions on Trade, but the prohibitions be the ſame on both ſides in reſpect as well of Importations as Exportations.

As to the 3d Article, their Lordſhips ſay, that the Plantations are the property of Engliſhmen, and that this trade is of ſo great a conſequence, and ſo beneficial, as not to be communicated, as is propoſed, till all other particulars which ſhall be thought neceſſary to this Union be adjuſted; and, as the caſe now ſtands by law, no European goods can be carried to the Engliſh Plantations but what have been firſt landed in England, except Salt, Iriſh and Scots proviſions, ſervants and horſes, Madeira wine, and wine of the Azores; nor can the product of the Plantations be carried to other parts of Europe till it be firſt landed in England. Their Lordſhips further offer, that in this Article it will be neceſſary to make proviſion, that the ſubjects of Scotland ſhall be liable to be preſſed for the ſea, in the ſame manner as the Engliſh ſubjects are, in time of war, for her Majeſty's ſervice.

As to the 4th Article, their Lordſhips agree, that an Act of Navigation muſt be granted in both Kingdoms adapted to the terms of the Union.

As to the 5th Article, their Lordſhips ſay, that the propoſals therein contained ſeem to contradict what was granted by the 2d Article, in as much as there is no duty ſubſiſting on trade (excepting only on ſome funds for the Civil Government) but what is appropriated to the payment of the debts of the Nation; that though the ſaid debts have been contracted by a long war entered into, more particularly for the preſervation of England, and the dominions thereto belonging, yet that Scotland has taſted of the benefits which have accrued to Great Britain in general, from the oppoſition that hath been made to the growth and power of France; that ſuch burdens will be abundantly recompenſed to Scotland by a compleat Union: to which compleat Union, as a free communication of trade is eſſential, ſo ſuch a free communication of trade cannot be eſtabliſhed with equality, unleſs the ſame duties both upon foreign trade and home conſumption be levied on both Kingdoms: but how the ſums of money thereby ariſing within the ſaid realm ſhall be applied, or what equivalent is to be allowed in the room thereof, may be ſettled when your Lordſhips are ready to offer what proportion of the publick burdens Scotland propoſes to bear towards the future ſupport of the Government, both in times of peace and war.

As to the 6th Article, their Lordſhips ſay, that it requires to be further explained, before they can be ready to give any anſwer to it.

After giving in the above Propoſals, in anſwer to the laſt Propoſal made by Scotland, the Engliſh deſired a day for a conference on both might be appointed, which was accordingly appointed on Saturday next.

Die Saturni, 19th December, 1702.

THE Commiſſioners on both ſides had a full conference upon the ſubject of the Communication of Trade in the foreſaid Propoſals and Anſwers, which was very amicable: and their Lordſhips for England agreed to all the Propoſals made by their Lordſhips for Scotland; and a Committee was appointed to draw up the Reſolutions taken thereupon, to be offered at their next meeting on Wedneſday the 23d inſtant.

Die Mercurii, 23d December, 1702.

THE Committee having met to draw up the reſult of the conference of the 19th inſtant, to have been this day preſented to the General Meeting, and there not being a *quorum* of the Engliſh, they adjourned to the 29th inſtant.

Die Martis, 29th December, 1702.

A *Quorum* of the Scots Commiſſioners being met at the ufual place of meeting, and there not being a *quorum* of the Engliſh, they adjourned to the 30th inſtant.

Theſe frequent diſappointments ſeeming to denote an indifferency on the part of the Engliſh, the Scots began to ſignify their impatience, ſo as ſeveral of them threatened to return to Scotland.

Die Mercurii, 30 December, 1702.

THE Commiſſioners met; and at their taking their places the Lord Keeper ſaid, their Lordſhips of England had taken notice of the publiſhing of ſome of their proceedings in the Flying-poſt, which they thought not convenient, and therefore had ordered their Secretary not to give out any copies of their proceedings, and deſired their Lordſhips for Scotland would do the like; which was agreed to: And then

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The Lord Keeper offered a paper, containing the reſult of the laſt conference in the propoſals made by the Lords Commiſſioners for Scotland about Trade: and the Duke of Queenſberry offered another: which were both read; the Engliſh in the following terms:

Agreed by the Lords Commiſſioners of both Kingdoms in the terms of the Preliminaries, and to take effect when the Union ſhall be compleated.

1. That there be a Free Trade between all the ſubjects of the iſland of Great Britain, without any diſtinction, in the ſame manner as is now practiſed from one part of England to another; and that the Maſters, Mariners, and Goods, be under the ſame ſecurities and penalties in the Coaſting-trade.

2. That both Kingdoms be under the ſame Regulations and Prohibitions, and liable to equal Impoſitions for Importation and Exportation, and upon the Home Conſumption, and that a Book of Rates be adjuſted for both.

3. That the ſubjects of both Kingdoms, and their ſeamen and ſhipping, have equal freedom of Trade and Commerce to and from the Plantations, under ſuch and the ſame Regulations and Reſtrictions as are and will be neceſſary for preſerving the ſaid Trade of Great Britain; and that the ſeamen of Scotland be equally liable to the publick ſervice, as the Seamen of England now are.

4. That ſuch laws, part or parts of the Act of Navigation, or of any other law now in force in either Kingdom, as ſhall be contrary to, or inconſiſtent with, the Union, ſhall be on both ſides repealed.

The paper offered by the Scots differed only materially from this, in that in the ſecond Article the words "and upon the Home Conſumpt" were left out, and ſo need not to be inſerted.

After reading of which, the Scots Commiſſioners withdrew; and returning within a little, the Duke of Queenſberry told their Lordſhips for England, that they had taken notice of ſome things in the paper offered by their Lordſhips, which did not ſeem properly to fall under the head of Trade, as the duties on Home Conſumpt. The Engliſh inſiſted that it did. So it was moved that there ſhould be a conference on this matter Saturday next.

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Die Saturni, January 2, 1702-3.

AT the Conference the following Articles were agreed on, and ordered to be inſerted in the Journals, the Engliſh having been ſatisfied that the Impoſition on Home Conſumpt ſhould be reſerved to a conference at next meeting, which was appointed to be upon Monday thereafter.

Agreed by the Lords Commiſſioners for both Kingdoms in the Terms of the Preliminaries, and to take place when the Union ſhall be compleated.

1. That there be a Free Trade between all the Subjects of the Iſland of Great Britain without any diſtinction, in the ſame manner as is now practiſed from one part of England to another; and that the Maſters, Mariners, and Goods, be under the ſame ſecurities and penalties in the Coaſting-trade.

2. That both Kingdoms be under the ſame regulations and prohibitions, and liable to equal impoſitions for Importation and Exportation, and that a Book of Rates be ajuſted for both.

3. That the ſubjects of both Kingdoms, and their ſeamen and ſhipping, have equal Freedom of Trade and Commerce to and from the Plantations, under ſuch and the ſame Regulations and Reſtrictions as are and will be neceſſary for preſerving the ſaid Trade of Great Britain; and that the ſeamen of Scotland be equally liable to the public ſervice, as the ſeamen of England now are.

4. Such laws, part or parts of the Act of Navigation, or of any other law now in force in either Kingdom, as ſhall be contrary to, or inconſiſtent with, the Terms of the Union, ſhall be on both ſides repealed; and that an Act of Navigation be framed and adapted to the Terms of the Union.

Die Lunæ, 4 January, 1702-3.

THE Lords Commiſſioners from Scotland being met, there not being a *quorum* of the Engliſh, they adjourned to the 8th inſtant; and, upon the like diſappointments on the part of the Engliſh, they further adjourned three ſeveral times, without doing any buſineſs, the laſt of which was to the 12th inſtant.

Die

Die Martis, 12 January, 1702-3.

THE Commiſſioners of both ſides being met, they had a long conference in relation to the Home Conſumpt; in which the Engliſh ſeemed poſitive, that an equality of impoſitions throughout the United Kingdom is abſolutely neceſſary, but ſeemed inclinable to condeſcend, that Scotland ſhould be exempted from all Exciſes and Duties laid on for payment of debts contracted by England before the Union, but that Scotland ſhould be ſubject to ſuch duties as ſhould be laid on for exigencies after the Union; and adjourned to the 18th inſtant.

Die Lunæ, 18 January, 1702-3.

THE Duke of Queenſberry, for the Lords Commiſſioners for Scotland, acquainted their Lordſhips of England, that they had drawn up ſome Articles, as the reſult of their laſt conference, in which they had yielded as much in the ſeveral points therein-mentioned as poſſibly they could; which Articles were read, and taken into conſideration by the Lords Commiſſioners for England againſt the next meeting, which was appointed to be upon the 20th inſtant.

Follows the Articles offered by the Scots.

1. That neither Kingdom be burdened with debts contracted or to be contracted by the other before the Union; and that no other or greater Exciſe, or other Duties on Home Conſumption, or Inland Taxes, be raiſed or impoſed within that part of the United Kingdom now called Scotland, than theſe now on foot there, till the debts of England, contracted or to be contracted before the Union, be fully ſatisfied and paid.

2. That, after payment of the Engliſh debts as aforeſaid, that part of Britain now called Scotland ſhall be ſubject to the ſurvey of the Parliament of Great Britain, and be liable to ſuch Exciſe, and other Home Duties, as ſhall, by the ſaid Parliament, be thought juſt and ſuitable to the circumſtances of that part of the United Kingdom for the time; provided, that the proportion of Inland Duties and Impoſitions of that part of the United Kingdom, ſhall not then, or ever after, be more than that of the neighbouring counties of the now Kingdom of England.

3. If any goods or merchandize of the native product of Scotland, not liable to any Exciſe or Impoſition there, ſhall be tranſported from Scotland to England

by ſea or land, the ſaid goods and merchandize when brought into England ſhall be liable to the ſame Duties, and no other, which might have been raiſed or exacted if they had been of the native product of England.

4. As an equivalent to Scotland for becoming ſubject to the ſame regulations with England in Export and Import, and for the encouragement of Fiſhing and Trade, and Manufactory in Scotland, that out of ſome effectual branch of the revenue, ariſing from that part of Britain now called Scotland, there be 10,000*l.* yearly, after compleating the Union, appropriated towards carrying on the Fiſhery, and improving the Manufactures and native product there, as ſhall be directed and ordered by Commiſſioners and Truſtees to be named for that purpoſe.

5. That 48,000*l.* ſhall be reckoned as the juſt proportion of Scotland in the 4*l.* rate of land-tax, and ſo proportionally in all Land-taxes in time coming.

Die Veneris, 22 January, 1702-3.

THERE not being a *quorum* of the Engliſh, and the Scots being met in their own chamber in the Cock-pit, the Marquis of Normanbie and Earls of Pembroke and Notinghame came unto them from ſuch of the Engliſh Commiſſioners as were met in the Council Chamber, to ſignify that they were ſo much aſhamed of the frequent diſappointments they had given them, that, for preventing the like for the future, they had reſolved amongſt themſelves to apply to her Majeſty for a new Commiſſion under the Broad-ſeal, in which ſeven might be named a *quorum*.

After theſe Lords withdrew, the Scots Commiſſioners conſidered the propoſition, and having cauſed read their own Commiſſion, by which they are authoriſed to treat with Commiſſioners to be named by her Majeſty under the Broad-ſeal of England, their ſufficient number, which is not ſpecified, they thought themſelves ſufficiently warranted to treat with that number of the Engliſh which ſhould be determined by the Commiſſion under the Great-ſeal of England, and of this they acquainted the Engliſh, by the Marqueſs of Annandale, Earl of Seafield and Viſcount of Tarbat, and then adjourned to Saturday the 23d inſtant.

Die Saturni, 23 January, 1702-3

THE Commiſſioners being met, the Engliſh gave in a new Commiſſion under the Broad-ſeal of England, whereby ſeven were appointed a *quorum*; and the ſame being read, the Lord Keeper offered in writing the following conſiderations upon the Articles in reference to Home Conſumpt offered by their Lordſhips

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of Scotland on the 18th: which Conſiderations being read were by the Scots Commiſſioners taken into conſideration till next meeting, which was appointed on the 27th inſtant, and a Conference appointed on the 26th inſtant.

Follows the Conſiderations offered by the Engliſh.

1. AS to the former part of the firſt Article, *viz.* that neither Kingdom be burdened with the debts contracted, or to be contracted, by the other before the Union, it being the ſame *in terminis* with the 5th propoſition delivered by your Lordſhips on the 9th December; the obſervation made then may ſuffice for a reply to it now, viz. that though the debts of England have been contracted by a long war, entered into more particularly for the preſervation of England, and the dominions thereto belonging, yet Scotland has had its ſhare in the benefits which have accrued to Great Britain in general from the oppoſition that has been made to the growth and power of France, and have encreaſed the number of their ſeamen conſiderably, by the employment they had in the Coaſt-trade of England during the war. But as it is neceſſary they ſhould be under equal impoſitions with regard to the balance of trade and manufactories when the Kingdoms ſhall be united, and a Free Communication of native product ſettled, ſo it may be reaſonable that the money, ſo raiſed upon that part which is now called Scotland, ſhould be applied to the ſecurity and protection of Scotland, and the Trade thereof: nor does it follow, that becauſe the duties now raiſed on particular funds in England are appropriate for payment of debts, that therefore, when the like duties are laid on in Scotland, they muſt be applied in the ſame manner: but for their Lordſhips to propoſe that there be no other duty in Scotland than theſe now on foot there till the debts in England contracted, or to be contracted, before the Union, be fully ſatisfied and paid, ſets the preſent trade on an equal foot (which is intended by an equality of impoſitions) at ſuch a diſtance, as gives little hopes to any now alive of coming at it; for one of the nine-pences on beer and ale, being the fund of the firſt Million Act, anno 4 and 5, of the late King and Queen, was granted for 99 years; one nine-pences more (which is the fund of the lottery) for about eight years yet to come; one nine-pences more (which is the Bank-fund) inheritance to the Crown; as are alſo the ſeveral duties upon ſalt, and half that on ſtamped paper, though in theſe latter duties there are clauſes of proviſion for redemption; but whilſt it is inſiſted, that there ſhall be no other nor greater in Scotland than are already paid there, it may be preſumed that theſe already mentioned are enough to prevent the neceſſity of enquiring into the number or proportion of what they have in Scotland, where if, by exemption from ſuch duties, a clothier can ſubſiſt himſelf

at 4*d per diem*, whereas he cannot ſubſiſt in England under 8*d. per diem*, then a ſuch manufacturers who ſhall go thither will be able to underſell, and conſe quently out-trade thoſe that ſtay in England, half in half, in what relates to t hei labour, by ſubſiſting ſo much cheaper; but the workmanſhip of every pound o wool made in cloth advances the value of it near nine parts in ten for its firſt coſt.

2. As to the ſecond Article, their Lordſhips ſay, that duties upon the Home Conſumption require to be equally laid on all the parts of the United Kingdoms; nor do the Northern Counties of England pay leſs duties of Exciſe (as ſeems here ſuggeſted) than the Mid-land, but rather more in proportion to the value of their counties and commodities exciſed.

3. As to the third Article, it is needleſs to debate upon it till the firſt be ſettled, theſe two depending the one upon the other. If indeed the Lords Commiſſioners for England ſhould think it expedient to exempt Home Conſumption of Scotland from any new duties, for ſom ereaſonable period of time, till that Kingdom began to reap the benefit of the Free Communication of Trade intended by the Union, then their Lordſhips will inſiſt that ſuch commodities as pay duties in England may be cleared with the ſame duties when they are exported or brought out of Scotland into England, and upon ſome other proviſions which will be requiſite to prevent frauds in her Majeſty's revenues.

4. As to the 4th Article, the Lords Commiſſioners for England ſay, that the Free Communication, eſpecially of the Foreign Trade, to which in the terms of the preliminaries their Lordſhips have aſſented, is ſo great a benefit to Scotland, that they did not expect an equivalent ſhould have been mentioned, for the equality of Impoſition on Importation and Exportation; beſides, their Lordſhips ſay your Lordiſhps have already agreed upon an equality of impoſitions as to foreign trade, both as to Exportation and Importation.

5. As to the 5th Article, it will be impoſſible to determine this point till their Lordſhips ſhall be informed of the value of the lands in Scotland; and this may be further debated when their Members or Repreſentatives in the Parliament of Great Britain ſhall be ſettled.

Die

Die Mercurii, 27 January, 1702-3.

THE Commiſſioners for the Conference having met on the 26th inſtant, the Scots Commiſſioners thought it beſt to give anſwers in writing to the Conſiderations offered by the Engliſh, which might be entered in the books with the Conſiderations, and gave them in accordingly, which prevented the Conference, for the Engliſh deſired to conſider the anſwers till next meeting, which was appointed on the 28th inſtant.

Die Jovis, 28 January, 1702-3.

THE Commiſſioners having met, the Lord Preſident, on the part of the Lords Commiſſioners for England, offered the following paper, as their Lordſhips' ſenſe of the Conference at the preceding meeting, which was read as follows:

The Lords Commiſſioners for England agree, that neither Kingdom ſhall be burdened with the debts of the other contracted before the Union, and that no duties on Home Conſumption, or taxes to be levied from Scotland, ſhall be applied for payment of the Engliſh debts; and whatever time may be fit to be allowed to Scotland to reap the benefit of the Communication of Trade, and enable them the better to pay duties on Home Conſumption equal to England, is moſt proper to be determined in the reſpective Parliaments of both Kingdoms.

Then his Lordſhip offered, on the part of the Lords Commiſſioners for England, an anſwer to the propoſition made at the laſt meeting by their Lordſhips of Scotland; which was read as follows:

As to the laſt Propoſition, delivered the 27th inſtant, their Lordſhips ſay, it has been found by experience, that Two Companies exiſting together in the ſame Kingdom, and carrying on the ſame traffick, are deſtructive to trade, and ar therefore of opinion, that to agree with this propoſition will be inconſiſtent witl the intereſt of Great Britain.

The Lords Commiſſioners for Scotland withdrew, to conſider theſe papers; and returning to the Council Chamber, my Lord Duke of Queenſberry acquainted their Lordſhips of England, that the Lords Commiſſioners for Scotland would conſider their Lordſhips' anſwer to their propoſition about the Company againſt the next meeting; that they had now prepared for their Lordſhips what they

took to be their ſenſe of the paper they had received from their Lordſhips, which was read as follows:

The Lords Commiſſioners for Scotland underſtand the paper given in by their Lordſhips in this ſenſe; that neither Kingdom ſhall be burdened with the debts of the other contracted before the Union, and that no duties on Home Conſumption, or taxes to be levied from Scotland, ſhall be applied to the payment of Engliſh debts; and that a time be allowed to Scotland to reap the benefit of the Communication of Trade before that Kingdom become liable to pay other or greater duties on Home Conſumption, or Inland Taxes, than thoſe now on foot; and that it is moſt proper to be determined by the reſpective Parliaments of both Kingdoms how long that time of exemption ſhall ſubſiſt. This paper their Lordſhips of England took into conſideration againſt next meeting.

The Duke of Queenſberry moved, that ſince they were ſo near agreeing on this matter, which was only the firſt of the Articles offered on the 18th inſtant, that they ſhould proceed to the conſideration of the other Articles.

And accordingly the ſecond of the ſaid Articles was read, and the Conſideration and Anſwers relative thereto were ſpoke to by the Lords Commiſſioners on both ſides; but before coming to any reſolution, their Lordſhips adjourned to the 30th inſtant.

Die Saturni, 30 January, 1702-3.

THE Commiſſioners having met, the Lord Preſident of the Council, on the part of the Lords Commiſſioners for England, acquainted their Lordſhips of Scotland, that they had drawn up an Article in reference to the matter which had been the ſubject of conference at the two laſt meetings, which he hoped would give their Lordſhips full ſatisfaction.

The ſaid Article was read; and the ſaid Commiſſioners for Scotland having withdrawn to conſider the ſame, and returning to the Council-chamber, my Lord Duke of Queenſberry acquainted their Lordſhips of England, that the Lords Commiſſioners for Scotland had agreed to the Article as given in by their Lordſhips, underſtanding their Lordſhips' ſenſe of the laſt clauſe to be ſuch, as that it relates to the length of the time to be allowed to Scotland.

Ordered, That the ſaid Article be inſert in the Journals of this day, as agreed on between the Lords Commiſſioners of both Kingdoms.

Agreed

Agreed by the ſaid Commiſſioners of both Kingdoms, that neither Kingdom ſhall be burdened with the debts of the other contracted before the Union, and that no duties on Home Conſumption, or Taxes to be levied from Scotland, ſhall be applied to the payment of Engliſh debts: And that ſome time is to be allowed to Scotland to reap the benefit of the Communication of Trade, and enable them the better to pay duties on Home Conſumption equal to England, but that it is moſt proper to be determined in the reſpective Parliaments of both Kingdoms.

Ordered, That the Journals of what has been tranſacted hitherto be made ready by the Secretaries, to be read over at the General Meeting appointed to be on Monday the firſt of February.

Die Lunæ, 1 February, 1702-3.

THE Lords Commiſſioners having met, the Lord Duke of Queenſberry moved, on the part of the Lords Commiſſioners for Scotland, that, the firſt of the Propoſals offered on the 18th of January being adjuſted, they ſhould proceed to the conſideration of the other Articles; whereupon the ſecond and ſubſequent Articles were read ſeverally, and ſpoke to by the Lords Commiſſioners on both ſides; but their Lordſhips came to no reſolution on any of theſe Articles.

The Duke of Queenſberry acquainted the Lords Commiſſioners for England, that their Lordſhips of Scotland, having conſidered their Lordſhips' anſwer to their Propoſition of the 27th of January, about the Company trading to Africa and the Indies, they did offer to their Lordſhips the following paper, which was read, and taken into conſideration by the Lords Commiſſioners for England, and is as follows:

By the Lords Commiſſioners for Scotland.

THEIR Lordſhips do ſtill inſiſt for preſerving and ſecuring the Privileges of the Scots Company trading to Africa and the Indies, becauſe the Undertakers did, on the public faith of the Kingdom, advance a ſtock of 200,000 *l.* or thereby; and it is not unknown to your Lorpſhips what part the generality of the Kingdom, and alſo the Parliament of Scotland, did take in the diſcouragements and diſappointments the ſaid Company did receive, as is fully expreſſed in the Addreſs of the Parliament to the late King.

2. Their Lordſhips conceive, that the privileges of the Scots Company may conſiſt with the Engliſh Eaſt India Company, or any other Engliſh Company which are circumſcribed to the preſent limits of England; and it is not propoſed that the privileges of the Scots Company ſhould be extended beyond the bounds of Scotland, ſo the ſeveral Companies do not interfere.

3. If the exiſting of Companies for carrying on the ſame traffick do appear to your Lordſhips deſtructive of Trade, it is not expected that your Lordſhips will inſiſt that therefore the Privileges of the Scots Company ſhould be abandoned, without offering at the ſame time to purchaſe their right at the publick expence.

And then they adjourned to Wedneſday the 3d inſtant.

Die Mercurii, 3 February, 1702-3.

THE Commiſſioners having met, and there being a letter from the Queen to adjourn their meeting;

In the name of the Commiſſioners for England, ſaid, that, ſince her Majeſty is pleaſed to adjourn our meeting, there are ſome things ſo eſſentially neceſſary to compleat the Union of the Two Kingdoms, that we think ourſelves obliged to mention them before we part, that on both ſides we may come the better prepared to ſettle them at our next meeting, particularly the Conſtitution of the Parliament, the affairs of the Church, and the Municipal Laws and Judicatories of Scotland, for the ſecurity of the properties of the ſubjects of that Kingdom.

And then the Queen's Letter, adjourning them to the 4th of October next, was read, as follows:

A. R.

" RIGHT truſty, and right intirely beloved Couſins and Counſellors, right " truſty and right well beloved Couſins and Counſellors, right truſty and " well-beloved Counſellors, and truſty and well-beloved; we greet you well: " We are extreamly pleaſed with the accounts we have received from time to " time in your proceedings of the Treaty of Union between our Two Kingdoms; " and though there be ſome very important matters ſtill remaining to be adjuſted " (the conſideration whereof may require more time than our other weighty " affairs will now allow), yet the great progreſs you have already made, beyond " what

" what has been done in any former Treaties, gives Us good hopes, that at " your next meeting this will be brought by your good endeavours to an " happy concluſion; to the end, therefore, that ye may duly conſider by yourſelves " all ſuch other things as may be neceſſary to compleat the Union, and that " ye may attend upon your other affairs in your reſpective ſtations, where our " ſervice requires you, we have thought fit to adjourn, and accordingly do ad- " journ your meeting on this Treaty unto Monday the fourth day of October " next. Given at our Court at St. James's, the 3d day of February, 1702-3.

To the Commiſſioners appointed for treating of an Union between Our Two Kingdoms.

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